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STATEMENT OF PURPOSE

In increasing measure, modern men are turning again to the quest for a worldview on the issues that are timeless—the meaning of life, the challenge of death, the purpose of suffering, the significance of the individual, his relation to society, and the goal of history. In order to advance this enterprise of spiritual discovery of our time this Journal has been projected. It will be primarily concerned with the philosophy, ethics, and religion of Judaism as a factor in the contemporary world . . .

We are committed to the proposition that Judaism has positive value today for Jews and for the world . . . At the same time, we disassociate ourselves from the dangerous tendency toward the hardening of party lines on the contemporary Jewish scene . . . The members of the Board of Editors belong to every school of Jewish life or to none. The trends popularly referred to as Orthodox, Conservatism, Reform, Reconstructionism, as well as others that as yet have no specific names, have their advocates among us, though no institution or movement is officially represented . . . Undoubtedly, our differences will find expression in these pages, but we shall be at one in opposing the dogmatism which takes for granted that one's own particular standpoint has a monopoly on truth and the authoritarianism which would suppress any contrary point of view.

Judaism will be dedicated to the quest for truth in the spirit of freedom. Our columns will be open to anyone who has something significant to say and the ability to say it well. New and unconventional interpretations, whatever their standpoint, will be welcomed from every source, for we share the conviction of the Talmud that "Both these and the others are the words of the living God." *From the introductory article by Robert Gordis, "Toward a Renaissance of Judaism" in Vol. I, No. 1.*

The First Reader

Israel and its Problems

There is a rather well-worn witticism that declares “two Jews three opinions.” The humor that may originally have inhered in this saying has turned sour in the face of the rising polarization and bitter factionalism rampant in contemporary Jewish life. There is, to be sure, a consensus among Jews that the State of Israel is central to the Jewish future, but there is wide difference of opinion with regard to the shape that Israeli society, culture and government ought to take in the closing decades of the century.

A considerable section of this issue of JUDAISM is devoted to five papers on the subject. Three of these present major positions with regard to the Jewish State:

The right-wing view of Israel as a theocratic enclave is discussed by *Paul Eidelberg* in his paper, “Foundations of the State of Israel: An Analysis of Israel’s Declaration of Independence.”

At the opposite end of the spectrum, *Michael Langer* presents the case for secularism in Israel in his paper, “Democracy, Religion and the Zionist Future of Israel.”

The third position, which seeks to safeguard the democratic character of the State while preserving the religious and ethical tradition of Judaism, is presented by *Ronald Kronish* in his review-essay, “Israel — Real or Ideal?”

These pragmatic statements are followed by two papers on major problem areas. The first, discussed by *Daniel Elazar*, is “The Future Role of Religion in Israel.” The second is the subject of *Michael Shashar’s* article, “Israel and the Territories: Religious Attitudes.”

A New Area for Halakhah

In spite of the all-encompassing character of the Halakhah, there are important aspects of modern life with which it does not deal. Thus, there is no procedure in biblical or rabbinic Judaism for the adoption of children.

In his paper, "Adoption: A New Problem for Jewish Law," *Michael Gold* argues that the growing importance of this mode of adding children to a family makes it imperative for the Jewish law to make provision for it.

Jews Remain Jews

America in the closing decades of the twentieth century may be described as exhibiting the most successful example of assimilation of the Jew into general society. The earlier experience of German Jewry ended in the horrors of the Holocaust. Native-born Jews of France were frequently regarded as the prototype of painless integration into society at large.

In his essay, "Benjamin Crémieux; Jew and Frenchman," *Sidney D. Braun* indicates that the process was far from easy, smooth or complete. He discusses the life of the distinguished French critic, Benjamin Crémieux, an authority on Proust and Pirandello, whose trajectory began in total estrangement from his Jewish heritage and ended in martyrdom as a Jew. The author maintains that total assimilation is an impossibility.

We Are Our Brothers' Keepers

An on-going subject for discussion in literary criticism today is the degree to which Jewish influences may be discerned in contemporary American-Jewish writers who do not explicitly deal with "Jewish" themes.

In his essay, "The Theme of Responsibility in Bernard Malamud's 'The Mourners,'" *Irving Halperin* calls attention to the basic principle in the novelist's philosophy of life — every human being has an ineluctable responsibility for all others. Malamud thus reveals, Halperin avers, a fundamental Jewish outlook on the world. The theme is familiar in the rabbinic dictum, "All Israel are responsible for one another," which is here broadened to include the entire human race.

Truth in Fiction

While the Halakhah, or the legal system of Talmud, maintains rigorous standards of logic and realism in dealing with human behavior, the Aggadah, the vast non-legal material in the Talmud, is hospitable to the furthest flights of fancy and the most implausible of situations. This free play of imagination and the apparent lack of reason in some of the contents of the Aggadah, led not a few of the early Jewish modernists in nineteenth century Europe to ridicule it as a farrago of nonsense. They failed to understand the deeply serious purposes underlying aggadic statements and tales — the inculcation of religious and ethical ideas and ideals as a guide to the people both in its daily life and to sustain it in the face of trouble.

An interesting case in point is afforded by the paper, "Three Talmudic Tales of Seduction," by *M. Herschel Levine*, who examines three extraordinary and obviously legendary tales of seduction narrated in the Talmud and analyzes their content in psychological terms. In the process, largely unsuspected aspects of Jewish life and thought in the past are revealed.

In Praise of Scholarship

For countless generations Jews have upheld learning as the ideal activity and the yeshiva as the unquestioned place for it. But, of recent date, there seems to have arisen the view that scientific analysis of religious texts, usually associated with universities, as distinguished from the kind of study in the yeshiva, is arid and uninspiring. In a similar vein, students have been known to complain that critical analysis of a poem somehow destroys its beauty.

To refute this view of scholarship, *David Kraemer* presents examples of scientific analysis which are as intriguing as "detective" or "puzzle" procedures. "On the Scientific Study of Talmud" is itself a study in the delight and inspiring reward of learning.

Contrasting Views on Women

In his essay, "The Shifting Role of Women, From the Bible to the Talmud," *Theodore Friedman* calls attention to a phenomenon which has not been noticed in spite of the tremendous interest today in the status of women in Jewish life and law.

He points out that, in the biblical era, women were active in all areas of life and enjoyed a considerable measure of freedom and equality. On the other hand, in the post-biblical era, as mirrored primarily in rabbinic literature, women's roles were considerably more restricted, as the evaluation of their worth seems to have declined. The author contends that this lowering of their status was not indigenous but was due to Greek influence. He marshals a good deal of evidence to support his view that, in Greek life and thought, women were stamped as inferior.

Listen, O Israel

One of the marks of genuine progress in our age has been the new evaluation of the handicapped in general, and deaf-mutes in particular. Until recently, communication between them and the rest of the population was minimal. It is, therefore, no wonder that in the past they were frequently regarded as mentally retarded and were treated accordingly.

Since the bulk of Jewish law goes back to ancient and medieval times, the *heresh*, "deaf," was equated with the mentally incompetent, and saddled with many legal disabilities. With the restoration of these handicapped people to general society, a revision of their status in Jewish law is urgently called for. A strong plea for a new approach in Judaism is made by *Alan Henkin* in his review-essay, "To Hear Deaf Jews."

R.G.

NOTICE TO OUR SUBSCRIBERS

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Foundations of the State of Israel: An Analysis of Israel's Declaration of Independence

PAUL EIDELBERG

Introduction

TODAY, POLITICAL ZIONISM INSPIRES NOTHING more than lamentations. As a secular movement preoccupied with Jewish settlement of the Land of Israel, there can be no doubt that Zionism is currently in a state of decrepitude. Whereas the generation of Ben Gurion spoke first of "Erez Yisrael" and secondly of "peace," his political heirs, the leaders of the Labor Party, speak first of "peace" and hardly at all of "Erez Yisrael." Indeed, the political left in Israel is committed to the policy of "territory for peace."

Obviously such a policy must have territorial limits. Carried to its ultimate logical conclusion, Israel would have to surrender territory every time the Arabs threaten war. But what are the limits beyond which Israel would cease to be a viable state? Many argue that Israel reached those limits when it withdrew from the Sinai, and that any retreat from the Jordan and the Golan Heights would be suicidal. Others call for withdrawal to the pre-1967 borders, provided that Judea, Samaria, and Gaza are demilitarized. Obviously, this would entail the surrender of East Jerusalem, something that goes against the grain of most Jews.

Nevertheless, suppose Israel were to go back to the pre-1967 lines, and that, after a decent interval, the Arabs were to press for a withdrawal to the 1947 United Nations partition lines? Aside from the fact that those lines are not militarily defensible, on what other grounds can the people of Israel steel themselves against Arab encroachment now and in the future?

Any sober statesman will admit that people will persevere in a protracted conflict only if they believe in the justice of their cause. A policy of withdrawalism encourages no one but the enemy. But for the Jewish people to believe in the justice of their cause they must have a true understanding of their relationship to the Land of Israel. Confused about that relationship they will be morally and psychologically disarmed and less capable of resisting attempts to truncate and eventually dismantle the only Jewish homeland.

Now it so happens that Israel's political and intellectual leaders rely

PAUL EIDELBERG is Professor of Political Science, Dept. of Interdisciplinary Studies of Social Sciences, Bar Ilan University.

entirely on various principles enunciated — Israel's Declaration of Independence — to justify Jewish possession of the Land of Israel. Although the Declaration carries no constitutional authority and cannot serve as a foundation for any legal right, Israel's Supreme Court has said that the Declaration "laid down the way of life of the citizens of the State, and its principles must guide every public authority of the State."¹ The efficacy of this document in educating the young will obviously depend on whether it can withstand the test of philosophical analysis. In undertaking such an analysis the present writer will show that neither secular Zionists nor religious anti-Zionists have a correct understanding of the theoretical foundations of the modern State of Israel. Philosophical analysis of the Declaration is necessary in order to eliminate certain deeply ingrained and institutionalized errors concerning the status of Jewish possession of the Holy Land. At stake is nothing less than the proper education of Jewish youth and the survival of the State of Israel.

* * *

And I will give unto you and to your seed after you, the land of your sojournings, all the land of Canaan for an everlasting possession (Genesis 17:8).

The Lord your God will turn your captivity, and have compassion on you, and will return and gather you . . . if any of yours that are dispersed be in the uttermost parts of heaven . . . the Lord your God will bring you into the land which your fathers possessed (Deuteronomy 30:3, 4, 5).

In an interview published in *Le Monde* (15 October 1971), Israel's Prime Minister, Golda Meir, declared that she felt no concern over the non-recognition of Israel by the Arabs. "This country," she said, "exists as a result of a promise made by God Himself. It would be ridiculous to ask for the recognition of its legitimacy."

Whether or not Mrs. Meir believed what she said in that interview, one thing is certain: her statement does not accord very well with the political-Zionist principles embodied in Israel's Declaration of Independence of May, 1948. Indeed, that document, which she signed, not only makes no explicit mention of God, but it is a sustained attempt to base the ultimate legitimacy of the modern State of Israel on secular grounds — notwithstanding the signatures of no fewer than four rabbis.

Officially known as the Proclamation of the State, the Declaration begins with this statement: "The Land of Israel was the birthplace of the Jewish people." This statement is ambiguous. It can be construed to mean that the Jews did not become a people until the conquest of the land of Canaan by Joshua, and, therefore, only *after* the Law-giving at Mount Sinai. Yet the children of Israel are repeatedly referred to as a people even *before* their exodus from Egypt, as well as during their wanderings in the Great Wilderness. In fact, they are also called a "nation." Thus: "What

1. See *Peretz v. Kfar Shmaryahu Local Council* (1962) 16 P.D. 2101.

great nation has laws and social rules so righteous as this Torah?" (Deut. 4:8; and see Num. 23:9, 22-24). Admittedly, it was only after almost forty years of learning and applying the revolutionary new laws and teachings of the Torah that Moses could say that the descendants of Abraham had truly become a people. Thus: "Hear O Israel; this day you have become a people unto the Lord your God" (Deut. 27:9). But a people or a nation is not constituted by a single generation. Hence the Torah goes on to say: "Neither with you only do I make this covenant . . . but with him that is not here with us today," meaning posterity (Deut. 29:13). It is therefore misleading, if not incorrect, to say that the Land of Israel was the birthplace of the Jewish people. What made the Jews a people was not the Land of Israel so much as the Torah. It was only the Torah that preserved them as a nation despite their having been without a land or a state for almost 2,000 years.

Viewed in this light, the opening sentence of Israel's Declaration of Independence suggests that the secular Zionists who founded the modern state of Israel sought to diminish the Torah as that body of laws and teachings which alone endowed the Jewish people with national identity, as well as with exclusive title to the Land of Israel. This interpretation of the first sentence of the Declaration is confirmed by the document as a whole.

After declaring that the Land of Israel was the birthplace of the Jewish people, the document continues: "Here their spiritual, religious, and political identity was shaped." Now it so happens that such words as "religious" and "political" are foreign to the Torah and to Judaism. The Torah is *sui generis*; nothing is a greater obstacle to understanding Torah Judaism than to place it under the category of "religion."²

2. The illustrious 19th century sage, R. Samson Raphael Hirsch, writes:

For by religion we understand the conception which men have formed and are still forming of a Godhead and their relationship to this Godhead. The religions of mankind are, therefore, human products — creations of the mind and spirit of man: and there exists, consequently, a . . . history of the development of religion and religions, just as there exists a history of languages, arts and sciences. The religion of a people rises and falls together with other manifestations of its culture. Religion is only a part of the cultural life of a nation and is conditioned by it . . .

The Torah, however, did not spring from the breast of mortal man . . . and it was from the very beginning so high above the cultural level of the people to which it was given, that during three thousand years of its existence there was never a time yet during which Israel was quite abreast of the Torah, when the Torah could be said to have been completely translated into practice.

See Hirsch, *Judaism Eternal* (London: Soncino Press, 1956), Vol. I, pp. 89-90. See also his *Commentary on the Pentateuch*, Exod. 6:7, 19:10-13; *Jewish Symbolism in Collected Works* (New York: Feldheim, Inc., 1984), Vol. III *passim*, for evidence of the divine authorship of the Torah. Finally, see Moshe Katz & Menachem Weiner, "A Hidden Sequence of Letters," *Sparks* (Tel Aviv), Vol. 5: 4-15, containing the report of a 3-year computer study conducted at the Technion in Israel. The study indicates that Genesis has only a single author, and that the text is encoded in such a way as to reveal names and events occurring in the present era.

As for the term “political:” the modern conception of it, which derives primarily from Machiavelli, is especially in conflict with the Torah. According to modern political science, the ultimate foundation of the state and, therefore, of political society, is human will. Hence all law is human.³ Consistent therewith, Israel’s Declaration of Independence goes on to say about the alleged territorial birthplace of the Jewish people: “Here they first attained to statehood, created cultural values of national and universal significance and gave to the world the eternal Book of Books.”

To say that the Jews “created” cultural values of national and universal significance is tacitly to deny that the Torah is God-given (and to genuflect before the now discredited German biblical critics).⁴ If it be said that the Jews created the Sabbath, then let sceptics ponder the significance and consequences of admitting that the Jews also *created* the rest of the Ten Commandments, including the prohibitions against murder, adultery, stealing, false witness, and coveting one’s neighbor’s wife and property, along with the precept to honor one’s father and mother. But to refer to the Book that prescribes these “cultural values” as eternal is a paralogism. Nothing created is eternal.

This inconsistency is compounded when the Declaration later refers to Theodor Herzl — at least in the official English version — as “the spiritual father of the Jewish State.” Remarkably, Herzl is the first and only name mentioned in the text of the Declaration. Without denying the gratitude that Jews owe to Herzl, to proclaim him as “the spiritual father of the Jewish State” must strike the candid reader as hyperbole, to put it kindly.

In any event, the Declaration mentions Herzl’s summoning the First Zionist Congress in 1897 which proclaimed the “right of the Jewish people to national rebirth in its own country.” On what grounds did the signers of the Declaration base this “right”? Three grounds are alleged: “historic right,” “national right,” and international law.

Fortunately for the peace of mankind, there are no historic rights to land, neither in reason nor in international law, else some surviving Canaanites could claim legal ownership of the Land of Israel, while descendants of the Romans could advance a claim to the land of England. And then there are the American Indians . . .

The Jewish claim to Erez Yisrael on the basis of natural rights fares no better. In the first place, the term “natural” is foreign to biblical concepts. The concept of nature, whether in Einstein, Newton, or Aristotle, involves the postulation of self-sustaining laws or forces or entities whose

3. In his revolutionary Chapter 15 of *The Prince*, Machiavelli inverts the Decalogue and prepares the grounds for secular humanism. See Leo Strauss, *Thoughts on Machiavelli* (Glencoe, Ill., Free Press, 1958), *passim*; Harvey C. Mansfield, *Machiavelli’s New Modes and Orders* (Ithaca: Cornell University Press, 1979), p. 132.

4. The computer study mentioned in note 2 above refutes the Documentary Hypothesis.

independence is incompatible with the idea of a created universe. Physics and cosmology aside, no political philosopher, ancient or modern, ever maintained that a people could have a “natural right” to a homeland, let alone to a land already occupied by another and more numerous population.

Can one solidly base the Jewish people’s right to the Land of Israel on international law?

This right (says the Declaration of Independence) was recognized in the Balfour Declaration of the 2nd November, 1917, and re-affirmed in the Mandate of the League of Nations which, in particular, gave international sanction to the historic connection between the Jewish people and the Land of Israel and to the right of the Jewish people to rebuild its National Home. (Furthermore), On the 29th November, 1947, the United Nations General Assembly passed a resolution calling for the establishment of a Jewish State in the Land of Israel. . . This recognition by the United Nations of the right of the Jewish people to establish their State is irrevocable.

Let us see whether these statements can stand the test of critical analysis.

On 2 November, 1917, Arthur James Balfour, British Foreign Minister, sent the following written communication to Lord Rothschild:

I have much pleasure in conveying to you, on behalf of His Majesty’s Government, the following declaration of sympathy with Jewish Zionist aspirations which has been submitted to and approved by the Cabinet.

His Majesty’s Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.

Although the Balfour Declaration was approved by the British Cabinet, the English House of Lords opposed its incorporation in the Palestine Mandate. In fact, on 21 June, 1922, a motion declaring the mandate to be unacceptable in its present form was carried by a vote of 60 to 29. And, in a subsequent debate in the House of Commons, a motion asking that the mandate for Palestine be submitted for the approval of Parliament was defeated. Hence it may be said that the Balfour Declaration was never approved by the House of Commons or by the House of Lords.

In any event, to “view with favour the establishment in Palestine of a national home for the Jewish people” is hardly equivalent to approving the establishment in Palestine of a sovereign and independent Jewish State. Sir Herbert Samuel, an English Jew who became the first civilian high commissioner of Palestine, admitted the obvious when he declared that the idea of a Jewish State “is not contained in the Balfour Declaration” — which he helped to frame.⁵ More recently, the American Jewish lawyer, Mr. Sol Linowitz, wrote:

5. Cited in Henry Cattán, *Palestine and International Law* (London: Longman, 1973), p. 56. Cattán, whose anti-Jewish bias flaws his considerable legal erudition, is philosophically

The most significant and incontrovertible fact is . . . that by itself the [Balfour] Declaration was legally impotent. For Great Britain had no sovereign rights over Palestine; it had no proprietary interest; it had no authority to dispose of the land. The Declaration was merely a statement of British intentions and no more.⁶

Furthermore, the inclusion of the Balfour Declaration in the Mandate of the League of Nations did not cure its invalidity, if only because Great Britain, as just noted, possessed no sovereignty over Palestine. Nor is this all. It can also be argued that the League of Nations did not possess the power to grant the Jews any political or territorial rights in that country. One legal scholar has written:

The grant of the Palestine mandate to Great Britain also violated the Covenant in that it ignored the wishes of the inhabitants, contrary to the provision in Article 22 which required that the wishes of the communities concerned must be a principal consideration in the selection of the Mandatory. The wishes of the Arab communities in this regard . . . were that no mandate was desired, but if any mandate were to be given, their first choice was the United States, while Great Britain came second.⁷

As for the United Nations resolution for the partition of Palestine, the first thing to be noted is that eminent legal scholars agree that the United Nations possessed no sovereignty over Palestine and thus had no right to partition the country.⁸ Others have written that, "Although the General Assembly may make recommendations both to Members of the United Nations and the Security Council, it should be kept in mind that recommendations have no obligatory character . . ."⁹

Finally, neither the admission of Israel to membership in the United Nations, nor its recognition (either *de jure* or *de facto*) by most States of the world, endows Israel with more than a political title over any part of the land that it now claims as its own — something which, in the last analysis, can be said of any other State as well. For the truth is — and this will offend moralists — that conquest of territory is the basis of possession, and the power to maintain such possession is the only solid title to land in the present world. Indeed, according to the doctrine of *legal positivism*, which dominates virtually every law school in the West, a law is such only if it is enforceable. This means that law is ultimately based on the primacy of force.¹⁰

naive. His formidable attempt to delegitimize the State of Israel — he calls for its dismantling — logically delegitimizes every nation-state. To defend his position, he mobilizes the writings of legal scholars, many of whom are legal positivists and moral relativists, e.g., the well known Hans Kelson.

6. Cited in *ibid.*, p. 58.

7. *Ibid.*, p. 67.

8. *Ibid.*, p. 75.

9. Cited in *ibid.*, p. 73.

10. In Chapter 12 of *The Prince*, Machiavelli cleverly indicates that "arms," i.e., force, is the ultimate foundation of law. Therein is the modern origin of legal positivism or, as it is also called, legal realism.

It follows from this last consideration that Israel should feel no moral qualms or reservations about the land under its present control. International law is but a fig leaf that renders respectable the once naked conquests of men. There is probably no nation on the face of the earth that did not acquire its land by means of conquest. (Incidentally, there are no pure races of men; and, if there are, they are not in the Middle East or, for that matter, in Europe.) To be sure, it is argued that conquest, as a claim to possession or rule, is no longer acceptable since the Fourteen Points and the Charter of the United Nations. But no one with a stitch of intellectual integrity can take this sort of thing seriously in an era when legal positivism is the reigning philosophy of law, when moral relativism dominates every level of education in the democratic world, and when the democracies of this world have truck with tyrants and even terrorists. Rhetorically or otherwise, Golda Meir was only stating the truth when she said that it would be ridiculous for Israel to ask for the recognition of its legitimacy. Indeed, had she been in the great tradition of the *Rambam* (Maimonides), she might have said that, of all the nations of the world, only the Jews have a real, as opposed to a fictional, right to their land, which is why they, alone of all peoples, have a sacred duty to live in the land which they call their own.

Influenced, however, by the modern doctrine of "rights" — often used as a facade for mere desires — the signers of Israel's Declaration of Independence do not speak of the duty of the Jewish people to live in the Land of the Covenant. Nor could they, without truly acknowledging that Covenant. But having tacitly rejected the Torah they thereby renounced the only true ground on which they could base their claim to Erez Yisrael. Nor did they discern, moreover, the contradiction involved in renouncing the Torah on the one hand, while establishing a state called "Israel" on the other; for one meaning of the word "Israel" is "they shall be ruled by God," which means to be ruled by the laws of the Torah, therefore by men of learning and of sterling character as prescribed in Exodus 18:21 and Deuteronomy 1:13.¹¹

There are more glaring contradictions. Thus, the document declares that

The State of Israel . . . will be based on freedom, justice and peace as envisioned by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex . . .¹²

It should not need saying that the Prophets of Israel would have denounced such equality. Under the Torah, non-Jews living in the Land

11. See my *Jerusalem vs. Athens: In Quest of a General Theory of Existence* (Lanham, Md./New York: University Press of America, 1983), pp. 65-67.

12. This passage of the Declaration is referred to approvingly as the "credo and vision of the people" by M. K. Amnon Rubinstein, professor of law and one-time Minister of Communications (1984-87). (See *Israel Law Review*, Vol. I, No. 3 (1966).

of Israel would have the status of foreign residents (*ger toshav*); and while they would enjoy civil and other rights, none could hold any government office. The Prophets were not liberal democrats or moral pluralists. They did not regard "freedom" as moderns are wont to do, as living (more or less) as one likes. Nor did they reduce "justice" to mere equality. They saw in every domain of existence — mineral, vegetable, animal, and man — in space as well as in time — hierarchy. As for "peace," i.e., *shalom*, the Prophets of Israel understood this to mean "perfection" or "completeness," which could be achieved only when every heart and home in Israel was imbued with the Torah.

A still more transparent contradiction in the Declaration is this. Again and again the document refers to Israel as a *Jewish State*. But if the Arab inhabitants, as a result of their prolific birthrate, were to become the majority, then, given the egalitarian principle of "one man, one vote" logically entailed in the Declaration, Moslems would eventually dominate the Knesset and put an end to the Jewish State prescribed in that democratic document. In addition, not only would the Arabs establish a Moslem state, but, in view of the militant and autocratic character of Islam, that state would *not* be a democratic one. As a matter of fact, had not 500,000 Arabs fled Israel in 1948 — against all reason and the fervent appeals of Jewish leaders to remain — it is difficult to see how the State of Israel could have survived, pinioned by the political equality solemnly promised by its Declaration of Independence. (Distracted and debilitated by inevitable Arab violence and insurrection, the fledgling and economically impoverished Jewish State could hardly have absorbed the 700,000 Jews who immigrated to Israel from the Arab world between 1948 and 1951.) Clearly, Israel's Declaration of Independence promulgated more than five months after the UN partition resolution, is a political montage. Its prescriptions for the establishment of a democratic state in the Land of Israel run contrary to its insistence that this state is to be, and ever remain, a Jewish one.

Finally, it should be noted that the Declaration avows that

until the establishment of the elected, regular authorities of the State in accordance with the Constitution which shall be adopted by the Elected Constituent Assembly not later than the 1st October, 1948, the People's Council shall act as a Provisional Council of State, and its executive organ, the People's Administration, shall be the Provisional Government of the Jewish State . . .

As is well known, no such constitution was ever established. This might prompt some to conclude that the present government of Israel, like its predecessors since 1948, is not "legitimate." But given the prevailing doctrine of legal positivism, a doctrine which entails the distasteful principle that "might makes right," the government of Israel is as "legitimate" as the one that expelled the British from America, to say nothing of what it did to the aborigines.

Conclusion

We can now better understand the moribund state of political Zionism mentioned at the outset of this essay. Clearly, Israel's governing elites do not regard the Land of Israel as belonging exclusively to the Jewish people. Thus, having abandoned the Torah or authentic Zionism for a specious pluralism, that is, having abandoned the only honest and rational justification for Jewish sovereignty over this land, what else can Israel's secular leaders do but offer "territory for peace"?

Ironically, it is only Jewish law, i.e., the halakhah, that can truly legitimize the State of Israel and justify the Jewish people's possession of their ancient homeland. This assertion has been logically demonstrated elsewhere, and with empirical evidence.¹³ Here we can only note that, according to the great *Ramban* (Nahmanides), it is the duty of Jews who live in the Land of Israel to conquer the land and establish their sovereignty therein. This halakhah of the Ramban is valid for all times and, therefore, justifies the founding of the present State of Israel by the secular Zionists. By conquering the land and thereby facilitating the in-gathering of Jews from all over the world as promised in the Torah, these so-called secularists — another non-Jewish concept — were fulfilling the halakhah, whether they knew it or not. That religious anti-Zionists deny the fact is indicative of ignorance. And, insofar as they arouse animosity against the State of Israel *per se*, they are violating the halakhah and hindering Israel's spiritual redemption.

The time has come for Israel to draft a true Declaration of Independence, say in the form of a Preamble to a new Constitution of Government. The document should be rooted in Torah law and values which alone can unify the Jewish people and strengthen their attachment to the Land of Israel. The Preamble should inspire youth by the loftiness of its language, the profundity and consistency of its thought, and the clarity of its vision. Upon studying such a document young men and women should be moved to dedicate themselves to the building of a nation wherein freedom dwells with righteousness, equality with excellence, wealth with beauty, the here and now with love of the Eternal.

13. See the forthcoming work of Dr. Chaim Zimmerman, *Torah and Existence*, Ch. I. Dr. Zimmerman has solved the apparent contradiction between the Ramban, who interprets Numbers 33:53 as a positive commandment requiring Jews, even when in exile, to conquer the Land of Israel, and the famous "Three Oaths" in the Talmud (BT *Ketubot* 111a) forbidding them to storm the land. His solution of the 700 year-old halakhic problem will also be found in his book, *Torah L'Israel* (Jerusalem: Tvuno Institute, 1978), pp. 9-15.

Democracy, Religion, and the Zionist Future of Israel

MICHAEL LANGER

IT IS THE THESIS OF THIS ARTICLE THAT religious (halakhic) authority in Israel is not only undermining democracy, but, also, threatening the Zionist nature of the Jewish state. We will first examine the interface between the ideological assumptions of democracy as against those of halakhah and then comment on the implications of the current evolving relationship between religion and the state for future Zionist cultural development.

I

"Government of the people, by the people, for the people" has become the accepted political norm to which the free world subscribes. The purpose of democracy has been defined as "a form of government in which the rulers are fully responsible to the ruled in order to realize self-respect for everybody."¹ This concept of self-respect is inseparable from the idea of self-fulfillment and we find a classic statement of it in the Declaration of Independence of the United States.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed . . .

Democracy as it is understood today is based on a number of assumptions, among which are:²

1. *A Guarantee of Individual Liberties*

In his essay, "On Liberty," John Stuart Mill identifies three areas in which individual liberty constitutes a prerequisite for a free society.

— liberty of conscience, thought and feeling; absolute freedom of opinion and sentiment on all subjects, . . . the liberty of expressing and publishing opinions . . .

1. William H. Riker, *Democracy in the United States* (New York: Macmillan, 1953), p. 34.

2. I have adapted in part the summary of Zechariah Goren, "*Al Hahiloniut Ve-al Maskanot Pedagogiot Ahadot Hanovot Mimena*," (Some Pedagogical Conclusions Stemming from Secularism) *Oranim: Sugiot Hinukh VeHora-a* (Oranim Teachers Seminary, 1982), pp. 177-185.

MICHAEL LANGER, agriculturalist and educator, has been a kibbutz member for almost twenty-five years.

— liberty of tastes and pursuits; of framing the plan of our life to suit our own character . . .

— liberty of combination among individuals; freedom to unite for any purpose not involving harm to others.

No society in which these liberties are not, on the whole, respected, is free, whatever may be its form of government; and none is completely free in which they do not exist absolute and unqualified.³

2. *Truth As Relative.*

There is no one absolute truth. Hence, there is no justification for any kind of coercion. The principle of tolerance and pluralism in no way negates the right of individuals to believe and act and preach according to their understanding of "truth," on condition that they in no way detract from the rights of others to believe in, and propagate, contrary views.

3. *Rational Thinking*

Rationality is the guiding principle of human action. This does not imply that humans are, by nature, entirely creatures of reason. Reason and intellect are to be mobilized in order to regulate emotions and in order to promote both the welfare of the individual and the public as a whole.

4. *The Negation of Supra-Human Authority*

There is no Supra-Human authority which grants special rights to some form of government (e.g., the divine right of Kings) or system of law (e.g., Divine Revelation). Hence, it is necessary to separate political authority from religious authority. Government is secular, i.e., of this world, and its legitimacy derives from human and not supra-human frames of reference.

This does not negate the possibility (or even desirability) of ideological and moral values stemming from religious belief (the "Judaeo-Christian" ethic). However, no idea, dogma or doctrine, in and of itself, constitutes authority.

The American motto, "In God We Trust," has not been interpreted as granting divine authority to any individual or political institution where public affairs are concerned. Similarly, the closing paragraph of Israel's Declaration of Independence reads: . . . "Placing our trust in the Almighty (*Zur Israel*) we affix our signatures to this Proclamation." In addition to being a formulation acceptable to all the signatories, the reference to *Zur Israel* (referred to as the Almighty in the official English translation) satisfied a similar need for a consensus value expression.

While religion may be perceived as contributing to the value consensus of society and the state, it is the function of the democratic political process (and not of any authority purporting to represent divine revealed

3. John Stuart Mill, "On Liberty" (1859), in Max Lerner, ed., *The Essential Works of John Stuart Mill*, (New York: Bantam Books, 1961), pp. 265-266.

truth) to determine *public norms*. Furthermore, it is incumbent upon the political process to determine such norms without infringing on individual liberties.

Prophetically, John Stuart Mill wrote:

The great writers to whom the world owes what religious liberty it possesses, have mostly asserted freedom of conscience as an indefeasible right, and denied absolutely that a human being is accountable to others for his religious belief. Yet so natural to mankind is intolerance in whatever they really care about, that religious freedom has hardly anywhere been practically realized, except where religious indifference, which dislikes to have its peace disturbed by theological quarrels, has added its weight to the scale
...⁴

Democracy, Liberty and Judaism

Modern democracy is the outcome of social and political processes which characterize the modern age. It has no basis in Judaism. Judaism was never democratic, just as no other traditional society had democratic government in the modern sense of universal suffrage and guaranteed civil liberties. In ancient Israel, authority was (divinely) vested in the King, the Priesthood and the "true" prophet. After the destruction of the Temple, the Rabbis emerged as an aristocracy (at times hereditary, at times of merit) which collectively determined *halakhah* and what became normative Judaism up to the Emancipation.

This is not to deny that the religio-cultural legacy of Israel was particularly rich in ideas and ideals which could constitute an ideological value-infrastructure for the development of democracy. For example, the separate delegation of divine authority to prophets, priests and Kings is reminiscent of (without necessarily paralleling) the separation of powers in the modern democratic state. During the period of the Second Temple we also have a certain degree of pluralism (not necessarily accompanied by mutual tolerance): Pharisees and Sadducees, the House of Hillel and the House of Shammai.

Rabbinic tradition interpreted the ambiguous biblical passage in Exodus 23:2 as an injunction to take one's lead from majority opinion. The Ethics of the Fathers (*Avot* 1:1) specifically states that it is man's task to set limits to (i.e., interpret) the Torah. The Rabbis even tell the tale of God Himself descending from on high to help decide a dispute regarding the ritual purity of an oven. A majority of the Rabbis disagree with the Divine decision even though God makes miracles happen to prove His point. In the end, God recognizes that His rule is in heaven and that He must leave the interpretation of His will to the Rabbis (note: the Rabbis —

4. Ibid., p. 261.

not the people).⁵ The modern Jew can surely find much that is positive in this aspect of the rabbinic tradition. But it is not democracy.

The Inherent Equality of all Human Beings

Values such as the equal, intrinsic worth of all human beings can be derived from the Book of Genesis: "And God created man in His image, in the image of God He created him; male and female He created them" (Gen.1:27).

In Judaism we find evidence that at least some of the Rabbis felt the tensions inherent in the Tradition regarding intrinsic human worth. The rejoicing of Israel as the waters of the Red Sea engulf Pharaoh's host evokes God's response in the Talmud: "The work of My hands is drowning in the sea, and you desire to sing songs!" (*Sanhedrin* 39b). In the same context, we have the custom of pouring out a drop of wine for each of the ten plagues that were visited upon Egypt. Surely this human sensitivity to the suffering of one's foes represents a value-orientation of universal and not just Jewish significance. There is much in the social ambience of Jewish tradition which is compatible with democracy and the spirit of democracy. However, we must refrain from confusing our proclivity to the democratic spirit, our tradition of messianic longing for a just world, with the norms of modern political democracy.

The Concept of Freedom

The idea of freedom is a seminal contribution of Judaism to human society. The right to self-determination of all peoples, of freedom from subjugation to another people, are ideas that draw their inspiration from Moses' demand: "Let my People go!"

But Freedom as a symbol is shared by two rather different concepts. The modern one is based on the secular, humanistic, anthropocentric view of humankind — man inherently free and as the measure of all things. The traditional Jewish concept is conditional on the acceptance of theocentric obligations within the framework of a covenant whose purpose is "world-mending" (*tikkun olam*). Individual self-fulfillment has no meaning in isolation from a life of fulfilling the *mizvot*. Are these two concepts of freedom, in fact, antithetical? As we will see, this is an open question in terms of modern Jewish thought and in terms of Israeli political practice. Certainly some creative *drash* (interpretation) is needed. In any case, it is hardly tenable to claim simplistically that as pioneers of the freedom-idea the People of Israel laid the groundwork for the future emergence of democracy.

5. *Baba Mezia Nun-Tet* (59); Ch. N. Bialik and Y. Ch. Revnitzky, *Sefer HaAggadah* (Tel Aviv: Dvir, 1951), p. 171 — No. 98.

Democracy and Halakhah

For some 1700 years, from the destruction of the Second Temple and until the Emancipation, normative Jewish behaviour in all matters, sacred and profane, individual and communal, was determined by the halakhah. A line of authoritative interpretation generally accepted by Jews everywhere extends from Beit Hillel to our own day. The essential truth of this generalization overshadows the relatively insignificant nuances between Sephardic and Ashkenazic Jewry. Above all, the Rabbis arrogated to themselves the authority of kings, priests and prophets. "On the day that the Temple was destroyed, prophecy was taken from the prophets and given to the Rabbis" (*Baba Batra 2*).

Shneur Kopelevitch, a militant activist in the cause of Israeli secularism has emphasized the anti-democratic nature of halakhah, stemming as it does from rabbinic interpretation of divinely ordained immutable and absolute truth.⁶ Its features are:

1. The hierarchic nature of halakhah. Different status and laws govern Priests (*Kohanim*), Levites and Israelites,
2. The rights and obligations of Jews and non-Jews are not the same. There is also a basis for relating differently to different peoples.
3. The different status of men and women.

Hence, halakhah is not compatible with the modern idea of equality before the law. Neither are halakhic decisions made in democratically constituted forums.

We must not confuse the basic incompatibility of the halakhah with the *exacerbations* of the problem caused by the increasing rigidity of the halakhic process itself — especially within Israel's obscurantist religious establishment. Had the halakhah retained its original flexibility, the conflict between it and democracy would perhaps have remained latent for a longer period. But the evolution of the halakhic process itself has gone in the direction of increasing codification (*Shulhan Arukh*). As a result of the Emancipation we have the birth of modern ultra-Orthodoxy (Ḥatam Sofer: "*Ḥadash assur min HaTorah*"), which has effectively prevented adequate creative exegesis in our time.

Halakhah and the Modern State

The controversy regarding the possibility of governing a modern state according to the precepts of halakhah exists within the camp of observant Jews as well as between the religious parties and the actively secular. A most comprehensive and aggressive statement from the secular point of view has been made by Gershon Weiler, whose thesis is that halakhah has always presupposed limited Jewish autonomy and, hence, is not

6. Kopelevitch grew up in an Orthodox home and, after the Six Day War, joined a secular kibbutz. He is an instructor of Judaica at Oranim, the Teachers Seminary of the kibbutz movement, as well as a frequent lecturer on subjects cognate to this article.

a viable framework for the functioning of a modern Jewish state. Weiler takes great pains to differentiate between an autonomous Jewish *society* and an independent Jewish *state*.⁷ The Orthodox iconoclast, Professor Yeshayahu Leibowitz, argues in favor of the separation between religion and the state because it is demeaning for the halakhah to be juxtaposed with the secular legal system of the state.⁸

II

The Secular Roots of the State of Israel

The modern Nation-States emerged from traditional feudal society. An important corollary of the elimination or, at least, the transfer of authority to the Nation State was the demand that the Jews divest themselves of their traditional society. This “emancipation” of the Jews from the authority of the halakhah in their daily lives exposed them to those same influences which had engendered secular humanism and the Enlightenment from the end of the fifteenth century onwards.

The modern Zionist movement, ideologically, was conceived in the womb of the Jewish Enlightenment of the 19th century and became possible only when a critical mass of the Jewish people rejected the authority of halakhah and its Rabbinical interpreters. The political Zionist vision as embodied in the Basle Platform of the first Zionist Congress (1897) was the establishment of a western, liberal secular state. Aḥad Ha-Am railed against the concept of a state for the Jews “like all the nations” but in no way did he suggest that the Jewish values which he hoped to nurture should be expressed by authoritative halakhic norms. Within Orthodox Judaism, religious Zionism emerged and joined the Zionist movement. But the final aim that it envisioned — the Torah State — was incompatible with the vision of secular Zionism.⁹ Even so, religious Zionism remained a small minority within Orthodox Judaism before the Holocaust.

The Labor Zionist movement, in particular, rejected the passive nature of the traditional Jewish community in the light of the crisis which began to engulf the Jewish people towards the end of the nineteenth century. It also rejected the oligarchy of the *shtetl*, based as it was on the power elite of *parnasim* and *hakhamim*. The founding generation of the future Jewish State consciously opted for a new Jewish society based on the equal worth of all as a central value and democracy as a concomitant principle.

7. Gershon Weiler, *Jewish Theocracy* (Hebrew) (Tel Aviv: Am Oved, 1976).

8. Yeshayahu Leibowitz, *Judaism, The Jewish People, and the State of Israel* (Hebrew) (Jerusalem: Schocken, 1976), pp. 155-191.

9. See, for example: Yosef Tirosh, ed., *Religious Zionism: An Anthology*, (Jerusalem: World Zionist Organization, 1975), pp. 11-34, and, also, “*LeOfia shel Medinat HaTorah*” (The Nature of the Torah State) in *HaZionut Hadatit Ve-Hamedinah* (Religious Zionism and the State), (Jerusalem: World Zionist Organization, 1978). The writer, Yehuda Leib Cohen-Maimon, was Chief Ashkenazic Rabbi.

Above all, the Labor Zionist *haluzim* saw themselves as being “called” — in the prophetic sense — to realize the vision of social justice in the Jewish National Home. The renewal of prophecy by Man, not God, expressed the total rejection of halakhic authority.

Religion and the Limits of Democracy in Israel

The Declaration of Independence of the State of Israel says:

The State of Israel will . . . foster the development of the country for the benefit of all inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture. . .

The State of Israel was intended to be governed by law, democratically enacted. It was not intended to be a “Torah State.” However, the spirit of the Declaration of Independence has been realized only partially by Israel’s legislative process. In a large measure that spirit has been stymied by the religious parties which hold the balance of power or are perceived as potentially holding the balance of power by the major political parties. There has been creeping expansion of the “status quo” (exclusive rabbinical jurisdiction in matters of personal status, extensive curbs on public and private amenities available on Shabbat) as inherited from the British Mandatory government which, in turn, had adapted the Ottoman Empire’s policy of internal religious autonomy. The political situation in Israel has resulted in granting a new lease on life to an authoritarian vestige from pre-modern times. Laws limiting archeological and pathological research have been enacted. Regulations forbidding abortion have been tightened. The net result has been the curbing of individual liberties to the extent of religious coercion. No civil, Reform or Conservative marriages, divorces or conversions are recognized. No public transportation is allowed on the Shabbat (except in the Haifa area where it existed before 1948).

A number of additional reasons have given momentum to the creeping expansion of religious legislation. The passing of the founding generation after the Six Day War was complemented by the emergence of a generation outside of the tradition of pioneering Labor Zionism. While outwardly secular in behaviour, this generation (to a large extent the offspring of parents of Asian-African background) is prepared to accept passively the legitimacy of some of the religious legislation. The dismantling of Labor Zionist schools in the early Fifties in favor of a system of “general” education within the framework of Ben-Gurion’s “Statism” policy resulted in a general loss of Labor Zionist élan. On the other hand, a new generation of Religious Zionists arose from the Religious public schools and the Yeshivot which became the backbone of the *Gush Emunim*

movement. They see certain questions of public policy (the borders of Erez Israel) as "beyond" the democratic process.

The end result of these social and political changes has been *the emergence of a partial consensus on a national level that certain areas are legitimately exempt from the democratic process*. Moreover, civil liberties in the Western tradition are not always understood as being an integral part of the democratic process. All Israelis are deprived of certain liberties by law (e.g., civil marriage for reasons of conscience). Certain groups face more discrimination in varying degrees — e.g., Arabs, Reform and Conservative Jews, various Christian groups.

III

Can Democratic Norms and Non-Democratic Norms Coexist?

Contradictory norms can generally co-exist if they are not on the same political plane. There is rarely a conflict for an American Jew who takes upon himself the life of an observant Jew — subject to halakhic authority — and is at the same time an American citizen who demands and enjoys all democratic prerogatives inherent in such status. At the political level of the state such a dichotomy is more problematic.

The ambiguous message which the young Israeli gets is something like this: There are certain areas which are outside of the law as understood in democratic process. The definition of such "extra-territorial" status is ultimately a matter of political clout at the critical moment. The authority within the area outside of democracy is that of *poskei halakhah* and their authority is absolute even if differing rabbinical bodies differ radically in their attitude to the State. And, so, halakhic authority can be the basis for the Greater Israel movement and the Jewish "underground" on one hand, while, on the other extreme, halakhic authority negates the very existence of the Jewish State (Neturei Karta). This analysis provides an understanding of the ideological roots of "Kahanism." Rabbi Meir Kahana's basic contention is that, within the Jewish State, the basic rights of the Arabs are not equivalent to those of the Jews.

In effect, in Israel everyone has the democratic right to organize for the purpose of substituting halakhic authority in place of the democratic process and/or curtailing civil liberties in the name of the halakhah. The Knesset can attempt to pass legislation limiting the right of those who would formally propagate racism to participate in the democratic process. But if the purpose of what can be interpreted by some as racism is the fulfillment of a particular halakhic interpretation regarding Erez Israel, or the status of Ethiopian Jews then is it racism or is it halakhic interpretation of God's will? In the long run, the central question facing Israeli society is can two diametrically opposed norms — western democracy and halakhic authoritarianism — coexist in the same body politic?

Unfortunately, in the short history of democracy, all of the precedents where such coexistence was attempted, have been failures. Furthermore, the attempt to maintain different criteria in terms of basic rights for different groups of inhabitants of the same body politic, or even the attempt to maintain equal but separate status, has inevitably proved non-viable. The frictions generated by the coexistence of incompatible political norms inexorably leads to violence. The classic case is the American Civil War. At Gettysburg, Abraham Lincoln had no doubt regarding the fundamental question at issue.

Fourscore and seven years ago, our fathers brought forth upon this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation — or any nation, so conceived and so dedicated — can long endure . . .

A society and economy based on slavery could not exist within a political framework which espoused the value of individual freedom. Lincoln's belief in democracy was vindicated, but at a terrible price. Moreover, it has taken more than an additional century for American blacks to begin reaping the benefits of what was theoretically promised in the Declaration of Independence in 1776. The formulators of the Declaration (Jefferson) were not necessarily talking about the rights of their slaves (or of their wives and daughters). But, surely, of all people, we Jews, on the basis of our historical experience of several millenia, know how words (even those of the Torah) can change their operative meaning with the passing of time.

If we examine Lincoln's proposition within the general context of this century we have no cause for optimism. Although a doctrine of Apartheid can be viewed as an anachronism, the fact remains that most people do not live under democratic regimes. Nor is democracy perceived as the wave of the future. In many instances the attempts to substitute democracy for traditional authoritarian regimes (Russia, China) have failed and non-traditional, but no less authoritarian, regimes have emerged. The failure of democracy in Germany after the First World War resulted in the monstrosity of the Third Reich. Most of Africa and Latin America are governed by non-democratic regimes. Of the major third world powers, only Japan and India can be said to be in the democratic camp. Certainly, in the Middle East, only Israel (in spite of the flaws which constitute the subject of this article) deviates from the authoritarian norms of the region. However, are we justified in assuming that Israel, the Jewish State, is different? "We Jews have always been different" and so we will succeed in grafting elements of divine authority onto a democratic polity, even if it has not worked elsewhere.

Our political capabilities have not been tested for more than 1800 years (since the revolt of Bar Kochba). Our "track record," politically, during the 250 years spanning the latter part of the Hasmonean Dynasty

and culminating in Bar Kochba's revolt is hardly encouraging. The sages commented that social strife and moral depravity were central causes for the destruction of both the First and Second Temples. Worst of all was the blind hatred engendered by the civil war that paralleled the revolt against the Romans.

Why was the First Temple destroyed? Because of three things — idolatry (materialism), adultery and bloodshed. But the Second Temple — in which Torah was studied and mizvot observed and charity dispensed — why was it destroyed? Because of blind hatred. Thus we learn that blind hatred is equal to the three transgressions of idolatry, adultery and bloodshed taken together.¹⁰

Unfortunately, a considerable part of our political tradition was shaped by fanatic devotion to an absolute truth without any tolerance for deviation from divinely ordained norms. This is the political tradition which legitimates the total legal disenfranchisement of Conservative and Reform Judaism in Israel — better no norms than avowedly deviant norms regarding the interpretation of Judaism. Nor can we ignore the political implications of the biblical concepts of *Herem* (the total elimination of a people and their culture as described in the Book of Joshua) and the mizvah of annihilating Amalek. The direct or indirect appeal to such elements in the Jewish tradition comprises part of the “ideology” of nationalist religious extremism and widespread intolerance in Israel today regarding our relationship with the Arabs.

Political Options for the Jewish State

Modern Israel is politically rooted in the tradition of western democracy but, as a Jewish state, it confronts the relationship between State and religion. Nevertheless, fifteen percent of its citizens are non-Jewish. Furthermore, a small but vocal Jewish religious minority either rejects the state outright (Neturei Karta) or rejects the Zionist rationale for the state's legitimacy as a Jewish state (Agudat Israel).

What, then, is the commitment of the state to Judaism? What is Jewish tradition and who decides on the paths of its further evolution. (The Orthodox would deny evolution and substitute the term elucidation or interpretation.) A significant number of Israeli Jews affirm the responsibility of the state somehow to further Jewish values while they reject, on a personal and/or public level, the authority of the halakhic process to determine personal and/or public behavioral norms stemming from Jewish values. In 1958, David Ben Gurion was queried by youth movement members on the place of religion in the State of Israel. The question was asked within the context of the “Who is a Jew” controversy. The reply was:

10. *Yoma Tet* (9), *Sefer HaAggadah*, p. 145 — No. 4 (my translation — M. L.). “*Sinat Hinam*” has been translated as “blind hatred.”

If you wish to know what is the legal status of religion in the state then I advise you to refer the question to a lawyer. I will summarize what the relationship should be:

- 1) The possibility for every religious Jew to live according to his belief and to educate his children in that spirit.
- 2) Freedom of conscience for every individual to act as he wishes in his private life.
- 3) The bequeathing of the Hebrew cultural legacy, especially Bible and Legends (Aggadah) to the younger generation.
- 4) The celebration (*hagigat shabatot*) of the Sabbath¹¹ and the festivals of Israel (*moadei Israel*).¹²

We might say that this constitutes a minimum answer. A generation has now passed and it would be difficult to claim that this basic minimum has been realized. More to the point, this minimum can no longer be considered adequate.

The Separation of Religion from the State — An Option?

The ideological roots of separation between religion and the state in modern democracy are the secularism and humanism discussed at the outset of this essay. Any political process which imposes a religious position on its individual citizens violates freedom of conscience, a basic civil right. On the other hand, the state is the guarantor of another civil right — freedom of association for those who would voluntarily unite for any purpose which does not constitute an infraction of the law and which cannot be construed as violating the public order. In Israel, the religious establishment has not hesitated to use its political leverage to impose laws which, in effect, impinge on the individual citizen's freedom of conscience. Moreover, the religious establishment has done all in its power to limit freedom of association insofar as other trends of Judaism are concerned, (political pressure to forbid building permits, hate propaganda in the press, total exclusion from the budget of the Ministry of Religion).

Social Process versus Religious Legislation

Martin Buber believed that the Jewish nature of the Jewish state would be determined by the nature of *voluntary community* within the state — not by the degree of ritual observance or by state legislation. His vision of “a renewal of society through a renewal of its cell-tissue”¹³ led him to focus on the potential of collective villages (the *kibbuzim*) for spear-heading a social process which would create a Hebrew humanist society.¹⁴

11. Ben Gurion's use of the term, *hagigah* (celebration), instead of the term, *shmirah* (observance), in referring to Shabbat and the Festivals can hardly be accidental.

12. This statement appears in a symposium on the place of Judaism in the State. David Ben Gurion, “The Place of Religion in our State,” *Petahim*, (January 1985): 33 (translation — M. L.).

13. Martin Buber, *Paths in Utopia* (Boston: Beacon Press, 1958), Foreword.

14. Ibid., Epilogue, p. 139 and Martin Buber, “Hebrew Humanism” (1942), *Israel and the World* (New York: Schocken, 1963), p. 240.

The theme of social-educational process as distinct from political process has appeared at many junctures in Zionist history: Aḥad Ha-am versus Herzl, A.D. Gordon versus Ber Borochov, Chaim Weizman versus Vladimir Jabotinsky. But in the past history of the Zionist movement the issues were not argued within a politically independent state. In addition, historical priorities within Zionism were such that the question of the Jewish nature of the Jewish state was left to an indefinite future date. But in the last twenty years the question has become a major focus of conflict within Israeli society. What concerns us here is not the growing religious fundamentalism in alliance with nationalism. Rather, our subject is a less well known and as yet amorphous trend actively to seek alternative paths to revivify Jewish commitment. This grass-roots phenomenon has led to a new-old perception of the relevance of the ideas of Buber, Aḥad Ha-am and A.D. Gordon as cultural, rather than political, Zionists.

In order for nascent trends in cultural Zionism to bear fruit, the separation of religion from the state may not only be an option in order to ensure Israel's democratic character — it may be a necessity if Israel is to serve the Zionist aim of enabling Judaism to express itself creatively within the context of modernity.

IV

Israel as a Zionist State: Renewal or Halakhic Continuity

We have already pointed out that there are differences of opinion regarding the *ability* of the halakhah to provide a legal framework and legislative guidelines for a modern democratic state. But it would seem that the more central question *from a Zionist point of view* is: What right does the religious Establishment have to determine Jewish norms in the National Home of *all* the Jewish people according to theocentric absolutist and, hence, non-democratic principles? Only 15% of the electorate casts its ballots for the religious parties even though twice that number may be observant. But all of the major parties have been willing to trade off the basic civil rights and liberties of at least part of the citizens in order not to alienate those who might give them the balance of power.

Moreover, *If Zionism means a commitment to ensure the continued creativity of the Jewish people in the modern age, and if Israel's Zionist purpose is to constitute a means to that end, then legally straitjacketing the Jewish National Home into the halakhic mold is, in effect, a betrayal of that Zionism.* Unfortunately, the major Israeli political parties of today function, ideologically, on the basis of political Zionism alone — i.e., ensuring the physical existence of the State “like all the Nations.” Religious Zionism (or even non- or anti-Zionist religion) remains the legitimate arbiter of Israel's cultural fate as determined by secular law of the Jewish state.

Are there ideological sources for cultural Zionism outside of Orthodoxy — foci of commitment to the renewal of the Jewish heritage without *a priori* halakhic limitations?

We tend to forget that over a period of a century and a half the Jewish people has developed alternatives to halakhah as the basis of legitimate authority in Judaism. During this time two movements arose which rejected the priestly-rabbinic monopoly and declared that emancipation implied the renewal of prophecy and an age of *Tikkun Olam* (world-mending) mediated by the free will of humankind. Both of these movements are a part of the post-emancipatory Jewish heritage which assimilated democratic values and norms of civil and political behaviour.

From the first half of the nineteenth century, the Reform movement claimed that, in order to stem mass assimilation and in order to adapt to changed socio-political circumstances, rabbinic Judaism would have to be re-formed both in substance and in process. Three generations later, at the beginning of the twentieth century there arose the pioneering Labor Zionist movement which rejected traditional Jewish society as a whole and opted for self-realization by building a society based on the prophetic vision of social justice in Erez Israel.

The ideological roots of these two movements differ. The Reform movement drew on liberalism and humanism in its approach to Judaism and rejected the Jewish particularism which led to Zionism. The Labor Zionist movement rejected religion, as such, and utilized various socialist rationales, in part utopian, in part Marxist, as guidelines for its version of building the Jewish National Home. Reform Judaism and Labor Zionism were both movements of *Tikkun* and, in a sense, mirror images of each other: Reform affirmed religion while demanding fundamental changes within it but rejected community and peoplehood; Labor Zionism affirmed Jewish peoplehood and community but demanded fundamental changes in its ecology while rejecting religion. Complex historical circumstances beyond the scope of this essay prevented these two movements from becoming alternatives to rabbinic Judaism in Israel.¹⁵ But today we are witnessing an as yet inchoate groping of elements from both of these movements in the direction of a synthesis.¹⁶ Within non-

15. Michael Langer, "Reform Judaism and Zionism as Responses to the Modern Age" in M. L., ed., *A Reform Zionist Perspective: Judaism and Community in the Modern Age*, (New York: UAHC, Youth Division, 1977), pp. 3-17. An abridged version appeared in *Midstream* (23, no. 4, April 1977).

16. The establishment of two Reform kibbutzim, Yahel and Lotan, as well as a Conservative kibbutz, Hanaton, with the active assistance of the United Kibbutz Movement is one example of this synthesis. The integration of a small Reform Zionist Youth movement within the Israeli Scout Movement (*Zofei-Telem*) is also indicative.

On the urban scene, the proliferation of Judaism modules in the secular school system (generally with a Conservative orientation) is another phenomenon with a potential for long

establishment Labor Zionism voices are being raised demanding cultural initiatives and denying the inherited *status quo* of exclusive Rabbinic legitimacy.¹⁷

In short, for the first time we are witnessing a potential challenge to Rabbinic Judaism in Israel on the ideological basis of a cultural Zionism, which has an avowed commitment to Judaism and its symbols and which intends to interpret that tradition and its symbols outside of the halakhic process. This new cultural Zionism perceives modern Jewish and Zionist thought and literature to be the latest accretion of source material for Judaism. No source — from the Bible to the contemporary (and very definitely including all of the Rabbinic literature) — is foreign to the modern Israeli Jew. But authority stems from individual conscience and contemporary community. This approach has been developed by a group of second- and third-generation Israelis centered in the Oranim Teachers seminary of the Kibbutz movement. However, in affirming their commitment to Jewish symbols, this new cultural Zionism has as yet not come to grips with the question of God — whether as being or as symbol. Nor has it really confronted the difference between *inculcating knowledge and an attachment* to Judaism and its symbols as distinct from *educating to commitment*. What is needed is: *a committed alternative cultural Zionism, identifying with all of the major symbols of Judaism, freely drawing on all of the sources — classical and modern — and compatible with norms of democracy. The task of such an alternative cultural Zionism (a committed alternative to Orthodox Zionism) is to evolve Jewish norms during the coming generation which can be meaningful to significant numbers of Jewish Israelis.* Hopefully, we have that much time.

If the Zionist purpose of the State of Israel is to constitute the framework within which Jewish tradition is to be renewed, then equal encouragement, or at least full freedom must be given by the State to all trends of Zionistically oriented Judaism. It is within this context that the delegitimization of Reform, Reconstructionist and Conservative Judaism is not only a blemish on Israel's democracy but is retrogressive in relation to the Dec-

term impact. North American *olim*, many from Conservative, Reform and/or Labor Zionist backgrounds, have been prominent in initiating this trend.

Two periodicals, *Shdemot*, the intellectual journal of the Kibbutz movement, and, in particular, *Petahim*, Quarterly of Jewish Thought, are in part devoted to discussing the issues dealt with in this article. *Shdemot*, with a different but related content, also appears in English.

17. Yariv Ben Ahron, "Al Shloshah Shlabim B'Darko Shel Am Israel: Me-samkhut Rabanit LeRibonut Leumit" (Three Stages in Jewish History: From Rabbinic Authority to National Sovereignty), *Shdemot* (Sept. 1980, No. 76) and, also, *Shorshei Yenikah*, (the Roots of Sustenance) (Tel Aviv: Efal Leadership Training Institute, United Kibbutz Movement, 1984).

Ari Elon, "Higiyu Shamayim Ad Nefesh" (The Heavens are Drowning My Soul), *Shdemot* (June 1980, No. 75): 11.

Michael Langer, "Our Ideological Approach to Socialism and Judaism," *Shdemot* (English) (1978, No. 10): 59.

Beeri Zimmerman, "Oz L'Midrash B'Et Poranut" (The Courage to Interpret in a Time of Trouble), *Shdemot* (no. 92, Winter 1984/1985): 16.

laration of Independence. *It is, in essence, an anti-Zionist act which attempts to throttle the potential creativity of alternative cultural Zionisms.*

Clearly, halakhic Judaism remains a legitimate and important trend within Judaism. Orthodox Zionism as a way of life has demonstrated its vitality — which is not meant to imply endorsement of its policies by this writer. It is the democratic right of those who are observant, in the traditional sense, to live in communities or neighborhoods where the law will protect them from those who would violate the Shabbat norms which they have chosen for themselves. It is *not* their democratic right to arrogate to themselves the position of exclusive arbiters of Judaism in the Jewish state — a state whose Zionist purpose it is to be a National Home for *all* of the Jewish people.

Zeev Falk, who is an observant Jew and a Professor of Law at the Hebrew University, has felt that the *legal* problem regarding the status of alternative trends Judaism is secondary.

The fundamental problem is spiritual . . . We need pluralism by virtue of our recognition that we are in the midst of a crisis so deep that only by mobilizing all our resources, everyone in his own way competing to overcome that crisis . . . only by utilizing all our strengths do we have any chance of overcoming that crisis.¹⁸

If the state as a Zionist state has a commitment to encourage the unhampered and even freely competing alternative trends in Judaism then, surely, the normative educational curriculum, formal and /or informal, has the responsibility to expose the younger generation to all of the options, present and potential. Unfortunately, the fuzziness of most of the teachers' Jewish identity, as well as the fear of political repercussions, has neutralized the general (non-religious) educational system in Israel. In spite of a few promising steps it is questionable whether Israel's educational system, in and of itself, can grapple with the problem of Jewish Zionist identity and democracy in an integrated way. Perhaps the Kibbuz Movement, if it will at least in part overcome the problem of its own Jewish identity, might provide a lead.¹⁹

The Religious educational system constitutes a particular problem. Insofar as it is committed to inculcating halakhah as an absolute value, we have a situation where a substantial minority of students are being educated to a value system which differs from that of the majority. *Gush Emunim* has been one of the results of this process. The burgeoning independent educational system of Agudat Israel (propelled by a birth rate almost three times higher than the Jewish average) is a time-bomb whose consequences it is difficult to predict. In short, the educational system (reflecting socio-political realities) is creating a situation where two societies,

18. Zeev Falk, Remarks in "Symposium on Religious Pluralism in the State of Israel," *Petahim*, (Sept. 1981): 20. The entire symposium is relevant to this article.

19. See footnote 17, Beeri Zimmerman above, and, also, Shalom Lilker, *Kibbuz Judaism, A New Tradition in the Making* (New York: Herzl Press, 1982).

increasingly militant, will co-exist within the same body politic with the potential results alluded to above. If alternative forms of cultural Zionism do not strike root in Israel within the next half-generation it may be too late and the effect on Israeli society and Israel as a Jewish state may be irreversible.

In Summary

The western democratic tradition of civil rights and liberties that guarantees freedom of religion and conscience has not been realized in Israel in spite of Israel's Declaration of Independence which is, however, declarative only and not legally binding. The separation of religion from the state would further Jewish pluralism in Israel. It would make halakhic authority an option for those individuals and groups who wish it. Such separation of religion from the state is necessary if Israel is to realize its Zionist destiny as a crucible for the development of new ways in Judaism compatible with modern thought as understood by the humanist tradition of the western world. We cannot afford to have Rabbinic Judaism (and a particularly recalcitrant variety at that) neutralizing the Jewish state as an instrument for Judaism to confront modernity.

Ultimately, the realization of the idea of the Jewish state, the development of meaningful Jewish content for this and future generations, is not something that can be legislated. Rather, as Buber and the Labor Zionist pioneers recognized seventy years ago, this is the task of committed social process, of community and perhaps of a community of communities based on free will and conscious of their Zionist *Shlihut* (mission).

The sooner that religion and state are separated the better for the renewal of cultural Zionism. The sooner we renew a pluralistic cultural Zionism the greater the prospect that the unique venture in human history which began some four thousand years ago with the call to Abraham to go forth unto the Land, will generate a call that can be heard by this generation as well.

Israel — Real or Ideal?

Review-Essay by RONALD KRONISH

Heroes and Hustlers, Hard Hats and Holy-Men — Inside the New Israel. By ZE'EV CHAFETS. New York. William Morrow & Co., Inc., 1986.

I LAST MET ZE'EV CHAFETS AT EEMA'S RESTAURANT, a popular oriental restaurant in the Mahaneh Yehuda market of Jewish Jerusalem, on Purim afternoon, 1986. I had recently read an article, a selection from his new book, which had appeared in *Moment*, and while I liked the style and story-line, I told him that I took exception to his ideological (or perhaps anti-ideological) bias. His response was a short quip, typical Chafets:

The difference between you and me is that you still want Israel to be something special, unique, perhaps even "chosen," whereas I am content to let it be and become what it is — a normal society, like all other modern societies.

Having now read his extremely well-written, incisive and provocative book about what he calls "the new Israel," I see that he was right on this point. We see contemporary Israel through very different lenses, although we both grew up in America in the 50s and 60s, both of us were active in the Reform (Jewish) Movement, and both of us have made *aliyah*. Not only do we frequent different restaurants, except when we meet at Eema's, but we also seem to have met and interacted with a different cross-section of Israel, Israelis, and Israeli life. Thus, each of us has a very different vision of Israel as it is, as well as of Israel it should be.

A "Light Unto the Nations"?

My basic argument with Chafets is neatly summarized by him in his pithy final chapter, entitled sardonically, "A Light Unto the Nations." In a conversation with his 13-year-old daughter and some of her friends, he discovered that none of them recognized the term, or had any idea what it meant. When he told them that Ben Gurion used it all the time, one of the boys in the group replied, "We haven't got to him in school yet."

Following this story (which I have no doubt is a true one), Chafets uses the opportunity to knock the Ben Gurion pioneering-socialist vision

RONALD KRONISH has been Director of Staff Development for the Melitz Centers for Jewish-Zionist Education, as well as a lecturer in education of Tel Aviv University. He is also an ordained rabbi.

and ethos of Israel, as he does recurrently, transparently revealing his political orientation. Whereas Ben Gurion and the visionaries of the Second Aliyah had dreamt of creating a model society, a paradigm of social justice, Jewish unity and universal brotherhood, Chafets believes that those dreams have given way to something quite different:

Israel is a country of idealists and clubhouse pals, of heroes and hustlers, hard hats and holy men . . . Mostly, Israel is a country of ordinary people who get their kids off to school every morning and go to work, people who want security and prosperity and a little fun (p. 248).

This is it — a perfectly “normal” state and society, devoid of grandiose myths and Big Ideas. Chafets’ Israel is plain, ordinary, human. And, in his “new Israel,” there is little need any more for the old influences of Jewish religion or Zionist Ideology because “they no longer determine the shape of society or the direction of the country,” which, naturally, is fine with him. However, he does admit, even if it hurts, that religion and Zionist ideology are still potent forces in Israel. It seems, however, that “the people” have taken over for the ideologies of what he calls “the Real Israel” (of previous pioneering generations), and “it is they who will determine what Israel will be when it finally grows up” (p. 249), presumably without any clearcut ideology, since who needs that old-fashioned stuff anymore, anyway!

To my genuine sorrow, Chafets’ descriptive narrative of Israel today is probably not far off the mark; but must it be prescriptive also? Must we accept his “normalization” theory (which, of course, he can attribute to certain strands in classical Zionism from Herzl to Ben Gurion to Amnon Rubinstein) not only as the status quo, but as the wave of the future? And, is it “good for the Jews” — in Israel and/or the Diaspora?

Is “Normalization” Good for the Jews?

Take, for example, the description of “normalization” as evidenced in the great urban metropolis of Tel Aviv. Even Chafets admits that “if the Messiah does come, and he gets to Tel Aviv, He’ll have his work cut out for Him!” (p.175). While Jerusalem has experienced an increase in religious fundamentalism, Tel Aviv, Israel’s largest city, has undergone a process of blatant secularization, with many movies, restaurants and night clubs, mostly serving non-kosher food, open on the Sabbath. Chafets seems to like the “new Tel Aviv,” and he chides the “old-timers” (who are obviously old-fashioned as well) for not being pleased with the changes that have swept over their city in the past few years. What are some of these changes?

Things that were unheard-of until the Six Day War have become commonplace: Chinese carry-out, air-conditioning, color TV, traffic jams, tennis stadiums, bagels and lox, gay bars, slick magazines (not to mention pornographic ones), world-class basketball, milk in cartons, direct-dial overseas phone calls, surfers, nautilus clubs, Hebrew rock ‘n roll, diet soda, color

coordination, laundromats, super-highways — changes that have made Israel less quaint for tourists but more interesting and comfortable for its citizens (p. 175).

I would hardly call this process of rampant Americanization of Tel Aviv (as well as the rest of Israel, including even Jerusalem) “less quaint”! Rather, I find the term employed by Amnon Rubinstein in his recent book, *The Zionist Dream Revisited*, more apt; he refers to this phenomenon as “growing secular hedonism,” devoid of any ideological content and bereft of any lofty ideals of earlier periods. Precisely because of the absence of any ideological content or message, these permissive trends in Israel are even more hedonistic than their western counterparts in other societies, Rubinstein argues, and I fully concur. In short, rather than rejoice with Chafets about how up-to-date and “with-it” Tel Avivians have become, I am saddened by the mindless imitation of American fads and pop culture which is sweeping the streets of Tel Aviv (and other cities in Israel) in a rapidly growing avalanche. Can one really get so excited about pizza, coca-cola, designer jeans, McDavids, and American no-frost refrigerators as a way of life?

In the fall of 1985 there was a radio commercial on *Kol Yisrael* (Israel's national radio), to sell electronic products for Tadiran, which succinctly summarized this trend. After explaining all the ways one could buy Tadiran products and save money, the clinching line of the advertisement was: “When you buy Tadiran, your American dream will be fulfilled in Israel!” What patent nonsense! The “American dream” is hardly fulfilled in America, for millions of its citizens, especially “minorities” and “new immigrants” (except for American Jews, of course, who tend to live in their own dream world); it certainly has no chance of being fulfilled in Israel! Why trade in the “Zionist dream” for an illusory “American dream” that I left behind? I would rather struggle with realizing the “Zionist dream” of rebuilding the Jewish People and its culture, in its land, with all of the concomitant difficulties and perplexities involved.

Disturbing Issues

Chafets' book will not be easy reading for many Diaspora Jews. For one thing, it is very much an insider's book — you have to have been there in order to appreciate much of his humor, nuance, and subtlety. The colorful vignettes which he portrays are real slices of contemporary Israeli life, but they are also eccentric and sometimes a bit embarrassing.

Like Amos Oz in *In the Land of Israel*, Chafets exposes many of Israeli society's open wounds and social sores, albeit with a much lighter and more easy-going style. The chapters on religious-secular problems and on Ashkenazi-Sephardi relations are worrisome and disturbing. The book is not intended to be good public relations material, and will not be helpful in improving Israel's image in the world, but that is not its pur-

pose. Rather, much of it is likely to upset the American Jewish reader, and it may cause him to revise some of his old notions about what Israeli society is really like. Indeed, this is one of Chafets' goals — to make Israel be understood in real terms, rather than ideal ones.

The author's sarcastic depictions of Israel-Diaspora relations, for example, is certain to rankle American Jewish leaders as well as many of their followers. Analyzing the pride that American Jews seem to feel about Israel and her achievements, especially military ones, in the post-1967 era, he points to an unequal balance that has been created,

a kind of player-fan relationship that casts Israel as the home team and Israelis as Jewish superjocks, a relationship which is uncomfortable and unnatural on both sides.

Moreover, as time goes by, Diaspora and Israeli Jews understand each other less and less, according to Chafets, and I think he is right on this point. But this phenomenon does not seem to bother him very much, whereas I feel that it is one of the most serious cultural/survival problems confronting the Jewish People today, a problem of momentous proportions which cannot be glibly swept under the carpet. And if Chafets' Israeli wife, Miri, does not give a damn whether Israel does things right in order to attract *olim* because "Israel is a country, not a concept," then that is more than her problem — it is a serious educational and cultural dilemma which must be wrestled with. It is a problem with which many young Israelis and their counterparts in the Diaspora will have to come to grips.

A Positive Approach

All of his glibness notwithstanding, Chafets attempts to be a positivist with regard to Israeli society. As an American immigrant who rose to the top of government echelons (on the public civil service level), he became very much of an "insider," especially during his years as director of the Government Press Office under Menachem Begin. One of the elements that makes the book so interesting and gives the author so much credibility is that he shares with the reader many of his insider's perceptions about top Israeli leaders. Despite certain criticisms of Begin — in particular his conduct of the war in Lebanon — he speaks with great pride of the accomplishments of the Begin era, particularly the massive social changes that took place:

Whole segments of the population moved from outsider status to full participation in society. Long-suppressed fears and ambitions began to surface and to have impact on the national mood. A new critical attitude developed: Never again would the nation allow itself to docilely accept the wisdom of its leaders, or to be led into a war it didn't fully understand (p. 87).

Ironically, Chafets describes Begin as the last of the founding fathers, a man who lived in dreams of the past and future, who, paradox-

ically, served as the Prime Minister of a people who were, more and more, living in, and for, the present.

Chafets sees many positive elements in the current state of Israeli society, changes for the better, wrought by the Begin era. He feels that Israel has become both more democratic and more pluralistic in the past decade, that Oriental (Sephardic/Middle Eastern) Jews have made great progress in becoming an integral part of Israeli society (and he cites many prominent examples), that Israel has become a far more open society than it was in its first two decades (with a press that is not only open and critical, but also reliable, in his opinion, and he ought to know), and that Israel is more efficient, modern and prosperous than it was in the early days. Naturally, he is not much troubled by the mixed blessings of modernization (there is more crime) or by trade-offs that Israel, like other modern societies, has had to make. He is not at all interested in going back to the pioneering austerity of the “good old days” (and neither are most Israelis, of course), and he is not the least bit depressed about what many of the old-timers regard as Israel’s “loss of innocence.”

This positivist plea — while it may even have a kernel of truth to it — sounds like good ol’ midwestern Republicanism, wherein things are always getting better and “progress” is always being made. It not only ignores and downplays festering social and political problems, but it fosters a vision of life that says “as long as we can be a little more comfortable and have a little more fun, then Israel must be on the road to becoming a better society.”

While I agree that Israel has “progressed” in some ways in recent years, I take exception to this vision, which I view as rather superficial and even empty. While I know that the vision of a pioneering socialist Israel, which would be like one big kibbutz, is very much in trouble, I am not prepared to abandon it totally for the “new Israel” that Chafets portrays.

Rather than celebrate “normalcy” and “modernity,” I am still searching for uniqueness and a special character for the Jewish State, both for its own sake and for the purpose of attracting and ingathering Jews from all over the world, which I still believe is a major *raison d’être*. While I understand that much erosion of some of the revolutionary components of Zionism has taken place, I still view Zionism and the creation of the modern state of Israel, following Professor Shlomo Avineri, as a “permanent revolution” (see his book, *The Making of Modern Zionism*, N.Y., Basic Books, 1981). In his epilogue, Avineri argues persuasively that “Zionism ultimately has no chance unless it constantly revolutionizes Jewish life in Israel and stops it from coagulating into the traditional historical molds of Jewish social and economic behavior.” In order to do so, Israel must struggle to preserve and retain its special Jewish character — with all the complexity involved — in order for it to grow and flourish as a Jewish Society very different from the non-national, Jewish community struc-

tures of the Diaspora. This is the greatest challenge that Israel faces, if its physical survival is not to be for naught.

The Potential Exists

The potential for a revitalized Jewish life and Jewish culture is still greater in Israel than anywhere else in the world. The natural advantages of land, language, history, and even religious inspiration, are all there. But they can be ignored, misused, or abandoned, as Chafets' description of the "new Israel" has demonstrated. In order to sustain Jewish life and Jewish culture in Israel, and to prevent the country from drifting down the merry path of "normalization," the Jewish People will have to muster the best creative educational, cultural and spiritual energy at our disposal. And we had better get to work now, before it is too late, or we may wake up one day to an Israel so "new" and "modern" that it will be totally unrecognizable.

The Pope in Florida

BERNHARD FRANK

In the pulpit — his
yarmolkah white silk — will he
read the *haftarah*?

The Pope in Florida

In the pulpit — white
silk yarmolkah — will he say
kaddish for our dead?

The Pope in Florida

After the Meeting,
in his white silk yarmolkah,
will he wash his hands?

BERNHARD FRANK is professor of English and comparative literature at State University College, Buffalo, N.Y.

The Future Role of Religion in Israel

DANIEL J. ELAZAR

Israel as a Jewish State

IT IS WIDELY ACCEPTED THAT ISRAEL should be a Jewish state beyond mere demographic criteria. That is to say, it must be more than a state of Jews. In order to be a Jewish state, it must be built upon Jewish principles, including what are commonly considered to be Jewish religious principles. On the other hand, to pose this as a matter of religion and state is to adopt a terminology which is in itself problematic in Jewish tradition and to phrase the issue of the relationship somewhat falsely by putting it in Western Christian terms, whereby religion is the province of churches and clerics, and any close relationship between religion and state would have to provide for some kind of formal recognition of the role of the church or its clerical leadership in the polity. Let us then try to approach the question from an indigenously Jewish perspective which, while it does not solve all of the problems inherent in the issue by any means, offers us an alternate way to conceptualize the matter and may help us better to confront it in reality.

The Three Ketarim

The classic Jewish polity is organized around three domains of authoritative expression referred to in the tradition as the three *ketarim* (crowns), namely *Torah*, *Malkhut* (civil rule) and *Kehunah* (priesthood). Traditionally, each of these *ketarim* derives its authority directly from some combination of Divine and popular sanction. Even the *Keter Torah*, whose primary responsibility is to communicate the Divine will to the Jewish people, can function only when its bearers are recognized as authoritative by the people. Indeed, since the generation following the destruction of the Second Temple 1900 years ago, Jews do not even recognize voices from Heaven (*Bat Kol*) as halakhically authoritative.

The *Keter Malkhut*, whose primary responsibility is to provide civil government for the people, exists by virtue of Divine authorization, although the people are empowered to choose their leaders within the limitations imposed by the Torah as constitution. The *Keter Kehunah* is the Divinely authorized channel through which the people approach Heaven; in other words, the reverse of the *Keter Torah*. As a channel, it was originally organized by Divine commandment, but it is given meaning only through public action.

DANIEL J. ELAZAR is founder and President of the Jerusalem Center for Public Affairs.

Over the generations, the bearers of each of the *ketarim* have changed. The *Keter Torah* was originally in the hands of Moses as *Eved Adonai*, in essence, the Lord's prime minister. It then passed to the *nevi'im* or prophets and, later, to the *hakhamim*, the sages of the Talmudic age, then to the *rabbanim*, rabbis. Today, it is in the hands of the *poskim* (rabbinical decisors) and *dayanim* (judges) and, as a result of modernity, is shared by certain academics and intellectuals, *de facto* if not *de jure*.

The *Keter Malkhut* has always been at least partially in the hands of the *nesi'im* (magistrates) and *zekenim* (elders) or their equivalent (e.g., *parnasim*, *ne'emanim*, — trustees) in different periods. It has also been shared at various times by the *Eved Adonai* (Moses and Joshua), the *shoftim* (judges — from Othniel to Samuel), the *melekh* (king — from Saul to the last Davidic monarch after the Babylonian exile), the *resh galuta* (exilarch), etc. It has always been managed through a more complex system of offices than either of the other *ketarim*.

The *Keter Kehunah* was initially in the hands of the *kohanim* and *levi'im*, particularly the *kohen gadol*, and remains nominally in their hands to this day. Initially, the *kohen gadol* was supplemented by *kohanim* scattered throughout the people. Then the entire priesthood and levitical service was concentrated in the Temple in Jerusalem. After the destruction of the Second Temple, new institutions developed to provide expression for the *Keter Kehunah*, such as the *hazan* in Talmudic Babylonia and, more recently, the congregational rabbi who, *de facto* if not *de jure*, has acquired a role that falls more within the *Keter Kehunah* than the *Keter Torah*, however much most rabbis would prefer it to be otherwise. That, too, is a result of modern transformations in the expression of that *Keter*.

Israel as a Jewish polity already has manifestations of all three of these *ketarim*, carrying on the tasks of its governance. From a traditional point of view, its *poskim* and *dayanim* continue to be the bearers of the *Keter Torah*, indeed in Israel more faithful to the Talmudic tradition than perhaps in any other Jewish community because of the scope of their jurisdiction. (I exclude the three small ultra-Orthodox fringe groups of the diaspora which tend to stand outside the comprehensive communities in their places of residence). The civil organs of the state — the *Nasi*, the *Knesset* and the *Memshallah* (government) — continue the tradition of the *Keter Malkhut* even if only a minority of them see any connection between their role and the traditional constitution of the Jewish people. This, indeed, is a problematic issue to which we shall return. The *Keter Kehunah* is carried on not only in Israeli synagogues (indeed, perhaps, least there) but in such institutions as the local religious councils which essentially provide ritual services for those Jews who care to make use of them (and, at least in respect to burial, virtually all Jews in Israel do). Thus, questions of religion, society and state in Israel should be considered within the context of this classic institutional framework and its current Israeli expression.

The first conclusion that we can come to is that, while Israel as a state

is formally democratic and secular, providing equal support to all religions and no special recognition to any, as a polity it is, indeed, a Jewish one even if ambiguously at times and ambivalent about its Jewishness in various crucial ways. It also means that the strengthening of the Jewish religious character of Israel as a polity need not, indeed should not, mean the strengthening of the power of rabbis — that is to say, the power of the *Keter Torah vis-à-vis* the *Keter Malkhut* but, rather, in making the institutions of the *Keter Malkhut* more consciously and deliberately Jewish and in raising the caliber of the institutions of the *Keter Kehunah* to satisfy the moral and esthetic as well as the ritual aspirations of Israel's Jews.

In this respect, there has been some substantial progress since the establishment of the state. As we all know, in 1948 Israel was dominated by the Labor camp whose socialist Zionism ranged from a-religious to anti-religious. Labor's major relation to tradition was to try to revalue traditional symbols in such a way that they were emptied of their religious content and, relying on their historical dimensions, to give them a new ideological content in keeping with socialist Zionism. The famous discussion over whether or not to include a reference to the deity in Israel's declaration of independence, which led to the compromise usage of *Tzur Yisrael* (the Rock of Israel — a traditional euphemism for God but, on its face, innocuous wording) was the paradigm of this situation.

By the end of the first generation of Israel's statehood, however, a very real change was manifest. It, too, had its symbolic moment in the aftermath of the Entebbe raid in 1976 when the Knesset convened in special session to honor the heroes of that raid and give thanks for the deliverance of the hostages. The late Israel Yeshayahu, then speaker of the Knesset, opened the session by ceremoniously placing a *kipah* upon his head and reading a Psalm.

The election of the Begin government in 1977, which marked the beginning of the second generation of Israel's statehood, accelerated this trend. Begin deliberately tried to introduce traditional Jewish religious expressions into the life of the state, albeit through a kind of civil religion rather than through traditional religion. But, then, in many respects the very character of Judaism is that of a civil religion, linking religious and political matters, which is what makes this new trend not an exploitation of religious symbols for political purposes (whatever the political advantage that may accrue to the present government for doing so) but an honest expression of the true Jewishness of the Jewish state.

The "Average" Non-Dati and Jewish Religion

This brings us to the issue of the future relationship of the "average" non-dati Israeli to the values of Judaism, to *mizvot*, and to the authority of the Torah. Israelis break down into roughly three groups: *dati* (Orthodox religious), *masorti* (traditional), and *hiloni* (secular). The *dati* camp is

divided into *haredim* (ultra-Orthodox) of various shades and *datiim leumiim* (religious Zionists). Altogether, they represent between a fifth and a quarter of the total population of Israel. The *hiloniim*, who represent another fifth to a quarter of Israeli Jews, are also divided into two rough groups — those who are truly secular, not only rejecting belief but all forms of Jewish practice, and those who, while defining themselves as non-believers from a traditional perspective, observe Jewish religious customs to a greater or lesser degree, in some cases to quite a substantial degree, indeed.

Today most Israelis, between 40 and 50 percent, define themselves as *masortiim*, which covers such a wide range of beliefs and practices that it is almost impossible of definition. Some *masortiim* observe ritual *mizvot* which we associate with Orthodoxy except that they may use their automobiles on Shabbat. Others maintain relatively little in the way of ritual observance but see themselves as believers. Indeed, what is common to virtually all *masortiim* is a strong commitment to belief in God, whether in a rational or superstitious way, or some combination of both, along with a concern for accepted traditional practices of the seasonal Jewish calendar (especially Sabbath, holy days, and festivals) and the customs (rites of passage) of the Jewish life cycle.

Many of these *masortiim* are second generation Israelis in transition from *dati* backgrounds to *hiloni* practices, if not beliefs. Unless something is done to give them a firm grounding for a proper religious expression of their Jewishness, most of them, in another generation or two, will be, for all intents and purposes, in the *hiloni* camp. In this respect, they are like the second generation American Jews of a generation or two ago who formed the backbone of the Conservative movement, many of whose grandchildren today are either joining Reform temples or not affiliating at all.

Whether or not this happens depends upon who will enunciate the values of Judaism in Israel and who will embody the authority of the Torah. It seems that the overwhelming majority of the *masortiim* are Sephardic Jews, while religious values and authority in Israel are heavily in the hands of one segment of Ashkenazic Jewry, a segment which is poles apart from the Sephardim and the Sephardic attitude toward religious matters. Moreover, the strength of the Ashkenazic religious establishment is such that those Sephardim who become *dati* are more likely to become Ashkenazified in their religious expression (because they are forced to do so) than to introduce the reasonableness and the openness of the Sephardic approach. This is not the place to discuss why this is so, but, in this writer's opinion, it is a tragedy of major proportions for the Jewish people and Judaism.

Put simply, to the extent that Jewish religious values and authority are considered to be the province of the Ashkenazi religious leadership, they are perceived to be closed, unbending, and looking for ways to make

Judaism a matter of following ritual *humrot* (more serious restrictions), rather than addressing the larger questions of life in a Jewish state from the perspective of all three *ketarim*. While this is not necessarily an altogether true picture, it is the prevailing one and true enough. As such, it is alienating except for those relatively few who are attracted by the kind of Orthodox fundamentalism that is implied in such an approach.

As a result, the average Jew in Israel is quite ambivalent toward the religious dimensions of his tradition. On one hand, he respects those dimensions, sees them as reflecting his basic beliefs, and wishes to identify with them through some measure of practice. On the other hand, he finds so many of those who give them expression as being the people furthest removed from his values in almost every other sphere, whether in terms of the responsibilities of citizens within a democratic state, in respect for the political institutions of that state, or in their ability to address the serious problems of a contemporary Jewish society. The exceptions to this are to be found among the national religious youth who are, indeed, highly respected in Israel. But at this particular moment, in any case, they do not represent the cutting edge of those who seem to dominate the expression of Torah values and authority.

From another perspective, it can be said that there is still a strong majority of Israelis who would like to have a positive relationship to the Torah and *mizvot* but have not found a way to do so other than through a watered-down version of older traditional responses. They have neither leaders to show them the way nor models to follow. It must also be said that they are not working very hard to search for either. Consequently, the future of Judaism in Israel could go either way. There is every chance that the processes of secularization will continue unabated so that, in several generations, the vast majority of Israelis will, indeed, be Jews by virtue of their birth within a certain ethnic community only. On the other hand, if appropriate leadership should emerge, there certainly is a fertile field for reversing that trend.

The Israeli Rabbinate

At the very least, Israel must produce an Orthodox rabbinate that is equipped to cope with the contemporary world, that is to say, rabbis who have a proper general as well as Jewish education and who know how to speak to the Israeli public. Today, it is fair to say that there are no Orthodox rabbis being trained in Israel who meet this standard. The Sephardic community has tried on several occasions to establish *yeshivot* which move in that direction but have been stymied by the adamant opposition of the *haredim* who have convinced even the Sephardic chief rabbis to stand aside from, if not actively oppose, such efforts. This only compounds the tragedy of the denigration of the Sephardic approach to religion, since that approach was indigenous to traditional Sephardic rabbinical educa-

tion and has been lost only as a result of Ashkenazification. Consequently, it is fair to say that the Israeli rabbinate today is as close to being utterly unequipped to deal with the problems described above as it could possibly be. The American Orthodox experience may be of some help in changing that situation.

Education for Judaism

As far as education is concerned, the Israel *mamlakhti dati* (state religious) schools are losing students because they are closed to the *masortiim* for all intents and purposes, requiring them to lie about their observance if they are to send their children. As it happens, many *masortiim* want their children to go to the *mamlakhti dati* schools but the segregationist aspects of the *dati* camp, which demand *dati* observance on the part of families before their children are brought in, has assured that non-*dati* children will be sent to the regular *mamlakhti* schools, which only accelerates the processes of their secularization. It is hard to see the wisdom in this, although it does make for the development of a more doctrinally pure *dati* camp. If the goal of the *dati* community is to maintain a small *shearith ha-pleta* (remnant), there is something to be said for that. If its goal is to maintain Israel as a Jewish state then it is failing in its responsibility.

Partly as a result of this, there has begun to emerge a *mamlakhti-masorati* (state traditional) school system branching off the regular *mamlakhti* schools. Originally opposed by the *dati* camp, when Zevulun Hammer became education minister it was encouraged by him as it has been by his successor, Yitzhak Navon. Hammer recognized that, given the aforementioned *dati* attitude, the *mamlakhti masorati* schools do not compete for students with the *mamlakhti dati* schools but with the fully secularized *mamlakhti* system.

At present, there are still only a handful of *masorati* schools in Israel. In each case, the organizers have been Conservative Jews from the United States who have settled in Israel. Whether or not there will be a real Conservative movement in Israel depends upon the degree of success of these schools, something which the Conservative movement itself does not perceive. If it did, it would be putting far greater resources into stimulating such schools than it presently is.

Non-Orthodox Judaism in Israel

In Israel today there is essentially no discrimination against Reform and Conservative organization for purposes of worship or anything else. There is only discrimination against Conservative and Reform rabbis, who are not recognized as rabbis. However, since both movements have a strong clerical dimension, with the Conservative movement perhaps the most clerical movement in all of Jewish history (in the sense of entrusting virtually all leadership responsibilities to rabbis), their attention has been

turned to securing recognition for their rabbis rather than being given to the training of a generation of Conservative *baalei-batim* (householders, usually referred to in the West as lay people).

In Israel, where the daily expressions of religion are in the hands of *baalei-batim* and the rabbinate does not play a clerical role in the Western sense, this is, for them, a great mistake. Recently the Conservative movement established a rabbinical school in Israel, something which the Reform movement has already done. Both have failed to recognize that where there is a Jewishly educated community it is schools for the public which make movements and not rabbis on the American model to lead congregations.

If the non-Orthodox movements foster schools, they will find a presence for themselves in Israel through the products of those schools who, incidentally, will in all likelihood have strong commitments to the values of Judaism, observance of *mizvot*, and Torah as a source of authority. If they do not, they will not, nor should they. The last thing that Israel needs is the replication of the clericalism of the diaspora. However necessary it may be there, where so many Jews are Jewishly illiterate even if they have strongly positive feelings toward Judaism, certainly it is not in place in Israel, where a Jew must make an effort to be Jewishly ignorant (even though so many are).

The Existence of Religious Parties

If the questions of Torah authority, *hinukh*, and the rabbinate are questions of *Keter Torah*, then the question of the religious parties is a matter of the *Keter Malkhut*. The religious parties in Israel are living evidence of the existence of *Keter Malkhut* as a separate phenomenon, each in its own way. Both the *Mafdal* (National Religious Party) and *Agudath Israel* were formed to introduce a religious influence within the *Keter Malkhut*. *Tami*, *Morasha* and *Shas* (Sephardic Torah Guardians), which splintered off from them, reflect the same interest.

The NRP, as a Zionist party, embraced the fundamental principle of that *Keter*, namely that it was to be independent of the *Keter Torah*, and was established, from the first, as an anti-clerical party. While in recent years certain members of the NRP have violated that anti-clerical posture, by and large the party has held to it, choosing as its leaders *dati* politicians rather than rabbis, however important and authoritative the latter might be in matters of the *Keter Torah*. This is, indeed, a bedrock issue for them. *Tami* has pursued the same course as, for the most part, has *Morasha*.

Agudath Israel, on the other hand, is based on the principle that the relationship between the *ketarim* places the *Keter Torah* in a dominant position as expressed through its *Moezet Gedolei HaTorah* (Council of Torah Greats). But even it had to form itself as a political party in open recognition of the existence of a separate realm of the *Keter Malkhut*, a realm in

which it needed to express itself in order to secure its political aims. *Shas*, which broke off from *Agudath Israel*, has followed the same pattern, establishing its *Moezet Hakhmei HaTorah* (Council of Torah Sages).

The foregoing empirical explanation for the existence of the religious parties should answer in the affirmative the question as to whether or not they will continue to exist, and may even answer the question as to whether or not that is a good thing. Given the understanding of the Jewish polity presented here, it is a well nigh inevitable thing. In a Jewish state, the religious interests cannot abandon a whole *keter* and its entire arena, especially not the *Keter Malkhut* which, by virtue of statehood, became far more important than it ever was or could be in the diaspora.

Statehood is, in many respects, Judaism's ultimate test. The purpose of the establishment of the Jewish people, according to the Torah, was to single out one people to establish the holy commonwealth, which would be a model for all the peoples of the world, so as to hasten the redemption. Thus, the Torah is oriented toward polity-building, first and foremost, and the observance of the *mizvot* cannot be complete except in a Jewish state. In such a state, the *Keter Malkhut* will inevitably be strong. Our tradition tells us that, sometimes in exaggerated ways in relation to the Davidic line. Hence only those who have a truncated, highly spiritualized view of Judaism would reject an active religious presence in the political arena. It is difficult to see how that presence could be manifested in Israel's political system other than through religious parties. Needless to say, this explanation for religious parties presented on the highest plane is made even more real by the very practical reasons of securing legislative and financial support for religious institutions, needs, and expectations on a day-to-day basis.

This does not mean that the future of the present religious parties is assured. The future of *Agudath Israel*, which seemed secure until 1984, has been clouded by the breaking away of its Sephardic members to *Shas*, which took two seats from the *Agudah* and added two others. Still, there is no reason to believe that the party will abandon the political arena, given its successes since 1977. If the *Mafdal* appears to be in greater jeopardy, it is partly because of the perhaps temporary emergence of other issues which have siphoned off some of its voters, plus the mistakes of its own leadership. Still, it would be quite premature to assume that it will disintegrate unless the number of religious Jews drops so precipitously that the state is left to turn secular with a vengeance. The parties that have splintered off from it may, indeed, find it advantageous to return to the NRP fold.

What About Religious Legislation?

One of the attributes of statehood is the restoration of the political arena as a major decision-making forum for matters of religious concern

in the public domain. Under such circumstances, as Charles Liebman has pointed out, it is inevitable that vital questions such as those surrounding religious standards will become political ones. The fact that they have is another sign that, with all its ambiguities and ambivalences, Israel is a Jewish state even in a traditional sense.

On the other hand, to say that is not to suggest that every situation which in the abstract calls for religious legislation should lead to such legislation. Before a decision is made, there are many considerations which come into play. First and foremost is the issue of consequences. For example, on the latest round of the "Who is a Jew?" issue, in the narrow sense the legislation is almost unexceptionable. But in the larger sense of the preservation of the unity of the Jewish people in a situation in which the legislation will not do anything to change matters for the better and will only precipitate Jewish disunity, one would hardly consider it to be wise. Prudence is also a Jewish value, though one that the Jewish people have not always practiced. Invariably, when they have not, disaster has ensued.

Today, the struggle over religious legislation has been exacerbated because of a major shift that is taking place in the Israeli body politic. Until recently, virtually all Israelis, no matter what their particular stance with regard to religious belief and practice, had grown up in traditional environments. Hence they had a certain understanding of, and respect for, tradition even if they no longer observed or even were militantly opposed to traditional Judaism. Even many militant secularists could appreciate the quiet of an Israeli Shabbat.

Today, paradoxically, at a time when militant secularism has greatly declined, a new generation has grown up which, while it is more likely to acknowledge a belief in God and the appropriateness of some religious practices, has little or no personal experience with traditional Judaism. It is a generation that fits into the contemporary world of consumerism in which convenience is a most important value. They are the ones who want cinemas and places of entertainment to be open Friday night and Saturday and who would like to be able to do their shopping on their free day. For them, these are matters of individual choice and they resent interference with their convenience. Thus the consensus around certain publicly enforced standards of observance is rapidly breaking down.

Not surprisingly, those in favor of maintaining such standards and who feel that the face of the society as a whole would be changed for the worst if matters were merely left to individual choice, now seek to reinforce the maintenance of those standards through appropriate legislation, which is opposed by the other side. This situation is analogous to what occurred in the United States in the early 20th century. During the 19th century, people of all levels of religious belief and practice accepted the Protestant norms in society with regard to such matters as Sunday observance, temperance, the content of the school curriculum, and the like. When that consensus broke down early in the 20th century, Protes-

tant fundamentalists sought to restore it through legislation. But even when they succeeded in getting such legislation enacted, as in the case of Prohibition or laws prohibiting the teaching of evolution in the schools, their victories were temporary because the majority of the population and the temper of the times was opposed to them. The end result was to dismantle even the tradition of Sunday closing for the convenience of the new consumers.

That is likely to be the fate of legislation which reflects the imposition of the will of the minority on the majority in Israel as well. Hence those in favor of that legislation should think twice before pressing for it. At the present time the majority is not opposed to the maintenance of public observance in the institutions of the state. They want freedom of choice in other areas. But if a *kulturkampf* is launched on the part of those seeking to maintain the status quo, it is likely that the majority will turn upon them even in those areas that still remain within the consensus.

Religion and Public Issues

What has been missing in Israel is a response on the part of the religious community, out of their religious understanding, to the current issues of Israel's foreign security and social agendas. Not that religious groups have not expressed their opinions on these subjects, but their opinions have been drawn, for the most part, from their political ideologies rather than from the religious tradition, except for extremists who do not separate the two.

It is imperative that the religious community respond to current issues of Israel's foreign security, and social agendas out of their religious understanding. Fortunately, the nature of serious Jewish thought on such subjects tends to be based on accumulated practical wisdom and not simply on the enunciation of ideal aspirations detached from reality. So, for example, simple-minded peace rhetoric on one side or racist rhetoric on the other in the name of religion should be avoided, even though there will be those who obviously emphasize the religious value of peace or of Jewish self-maintenance above certain other religious values more than others would.

Experience has taught us that there will be no single religious voice on any issue. But the existence of religious voices is what makes religion meaningful in our times. That is not to say that there is no danger in escalating public conflict over policy decisions in the name of religion. Of course there is, since there is a certain apodictic character attached to all positions presented as religiously justified or, in some cases, mandated. That, indeed, can escalate tensions in any society and exacerbate cleavages. Nevertheless, the alternative, namely, silence on the part of those who claim to be religious with regard to the pressing issues of our time, is even worse.

What it does mean, of course, is that a much greater share of religious resources must be devoted to exploring policy issues from a religious dimension. This means, for example, religious support for policy studies institutes and think tanks whose members look seriously at the policy questions of the day in light of the Jewish political tradition, which in itself requires far more serious exploration than it has been given to date.

The Mutual Influence of Israel and Diaspora on Jewish Religious Life

In this respect, the Israeli religious community also has much to contribute to the diaspora, particularly by reminding diaspora Jewry that the true expression of Judaism requires even religious Jews to confront the entire range of human concerns and not be content to maintain themselves on the basis of others, whether non-religious or non-Jewish, doing society's dirt work. This is a crucially important contribution, one that is often overlooked even on the part of religious diaspora Jews who visit Israel but, like other Jews, still see Israel as a summer camp and not as a polity grappling with the full range of human problems and then some.

Beyond that, there is no question that Israel is the principal center of Jewish scholarship and Jewish studies in all of its forms and, hence, has so much to contribute to diaspora life. With all the very welcome spread of Jewish studies on diaspora, particularly American, campuses, there are few Jewish studies programs that reach a critical mass of scholars capable of matching an ordinary Israeli university and none that is able to provide the range and depth of coverage of Jewish civilization provided in any institution of higher education in Israel. That is natural enough, since it would be as if American studies were covered with the same depth in some non-American university as they are at any university in the United States where American civilization is dominant. That is one thing in Israel that has little if anything to do with religion per se. Jewish studies abound because Israel is a Jewish civilization.

In the last analysis, Israel and the diaspora need each other in the religious sphere as much as in any other. Indeed, the problem is often whether or not the diaspora is capable of absorbing what Israel produces in those spheres.

Conversely, when it comes to Jewish thought — especially Jewish thought with regard to living intellectually in the contemporary world — the diaspora religious leadership are far ahead of most of their Israeli counterparts. They have something serious to contribute to Israel and should do so. All forums which can be developed to encourage such exchanges are to be welcomed.

Israel and the Territories: Religious Attitudes

MICHAEL SHASHAR

AS EVERY KNOWLEDGEABLE OBSERVER OF the current religious scene in the State of Israel knows, the Orthodox community falls into two main categories, the *Datiim*, “religious” and the *Haredim*, “the pious.” It would be incorrect to examine the attitudes of the former, who are integrated into the life of the State of Israel, and of the latter, who distance themselves from the State and its institutions, solely in terms of their attitude toward the territories (especially Judea, Samaria and the Gaza strip). On the contrary, the evolution of these two positions must be seen, not only in the immediate context, but as the development of divergent religio-nationalist positions rooted in the past and expressed in varying perceptions of the role of the land and the State of Israel in Jewish law and thought.

It is not the first time in the history of modern Jewish settlement in Erez Israel (i. e., mandatory Erez Israel) that religious youngsters have taken the initiative and turned with profound dedication to settling the land. Before Israel achieved statehood these were primarily the pioneers of the religious kibbutz movement. But it seems that the motivations of the 1930s and the present differ sharply.

Even though religious motivation guided religious settlers in pre-State days — in the Beit She’an Valley, in the Ezion Bloc, and in the Negev — social undertones prevailed, reflecting the spirit of the secular kibbutz movement where, under the influence of socialism and Communism, this trend was dominant.

Today’s spirit is very different. Since the Six Day War the establishment of Kiryat Arba (in Hebron), Kaddum, Ofra, and other Gush Emunim settlements of the religious-national trend have been motivated by the ideal of a “Greater Israel” — or, more accurately in this context, “the Holy Land,” “the Promised Land,” “the Land of our Forefathers.” Noteworthy, too, are the thousands of followers and supporters of the movement. How can this change be explained?

Obviously, conditions have changed. After statehood, and even more so in the wake of the Six Day War, one can perceive in Israeli public life a strengthening of the nationalist trend at the expense of the old

MICHAEL SHASHAR is a former Israeli Consul in New York, as well as an advisor to President Ephraim Katzir. He is currently a journalist and author.

socialist values. This trend received a strong boost with the ascension of the Likud government. In addition, there are internal dialectic developments within religious society in its relationship to the state. This development is reaching new and extreme heights among those who did not, *ab initio*, negate the establishment of the Jewish state on religious grounds, as did the Neturei Karta, but relate to it as the “Beginning of the Redemption.”

The ideological relationship of religious society to the Jewish state may be divided into four major orientations: Neturei Karta, Agudat Israel and the Sephardic Shas party, various national-religious groups, and Gush Emunim. We shall review here the relationship of each of these to the establishment of the State, to the enlarging of its boundaries following the Six Day War, and to the autonomy plan in the territories as a result of the peace treaty signed with Egypt.

Neturei Karta

This small group, centered in Jerusalem, with a large constituency in New York around the court of the lately-deceased Rabbi of Satmar, is, in many ways, the most consistent and most extreme in its negation of the state as a Jewish-religious value. The negation is unwavering and, if anything, has even intensified since the “liberation” of the Western Wall and other holy places. The philosophy of Neturei Karta is based on the religious prohibition against Jews taking the initiative in the return to Zion and the end of the Exile. Any such initiative is viewed as “storming the barricades” or challenging Divine will. To justify this stand, the Neturei Karta usually quote Talmudic passages which they accept as dogma, even though their halakhic validity is questionable.

What was the purpose of these three adjurations? One, that Israel shall not go up [all together as if surrounded] by a wall; the second, that thereby the Holy One, blessed be He, adjured Israel that they shall not rebel against the nations of the world; and the third is that thereby the Holy One, blessed be He, adjured the idolators that they shall not oppress Israel too much (*Ketubot*, trans. Soncino).

Moreover, in Neturei Karta thought, the relationship to any foreign rule — be it Turkish, British, or even Arab — may, and even should be, pragmatic; insofar as it works favorably for the Jews, it should be praised. This is not the case for Jewish rule, which is negated on principle; indifference is not enough. One should denounce it and condemn its actions whatever they may be. The State, headed by Jews, even Orthodox Jews, such as members of Agudat Israel, is a travesty of God’s will.

Here we have a total and unconditional rejection of the secular-Zionist as well as the national-religious ideologies, whose practical expression is the State of Israel. This stand has pushed the Neturei Karta inevitably to the bizarre conclusion that it is forbidden to benefit from the “Zion-

ist conquest" that has enabled renewed visits to the Western Wall, Rachel's Tomb in Bethlehem, and the Tomb of the Patriarchs in Hebron. (Needless to say, if Jordan's King Hussein had made these visits possible, the Neturei Karta would have been the first to take advantage of the opportunity and to view the event as "an act of God.") Although the story goes that Rabbi Amram Blau, the late leader of Neturei Karta, refused to visit the Western wall after the Six Day War and even until his death, many of his followers cannot exercise this restraint and do visit the holy sites. On the other hand, the leaders of the sect have published a manifesto calling for "the laws of the autonomy in Arab territories to be applied in our neighborhood (Meah Shearim) too, without dependence on the Zionist regime." In this manner they will free themselves, once and for all, of the "sins" of the Zionist State of Israel, it making no difference whether it be headed by the secular Alignment or the traditional Likud.

To the question of whether the sanctity of the Holy Land would not be desecrated by handing over Judea, Samaria, and the Gaza Strip to Gentiles, the answer is that the sanctity of the Land of Israel is absolute and eternal, and in no way dependent upon worldly authority. This sanctity prevailed even when there were hardly any Jews living in the Land. Furthermore, "sanctity" is a religious concept which has no connection with secular nationalism, or a state in the modern sense; the Zionists have no right to take over concepts from the religious world, after having emptied them of their original content, and desecrate them by filling them with national-secular content.

Thus, if Hussein or the Palestinians were to return to these areas (including East Jerusalem), the Neturei Karta would relate to them exactly as they would towards any other foreign ruler. They would try to gain a maximum of rights for themselves as Jews striving to fulfill their religious commitments, without mixing religion and secular nationalism.

Agudat Israel

The second group, with a rather pragmatic ideology, is centered around Agudat Israel, the Sephardi Shas party, and other ultra-Orthodox circles. It is quite likely that many followers of Agudat Israel — concentrated mainly in Jerusalem and Bnei Brak, and with considerable following in New York, London, and Antwerp — are inclined to follow the uncompromising ideology of the Neturei Karta, but not in its everyday ramifications. In the past, Agudat Israel, too, was strongly opposed to Zionism, but, at present, its leaders do not negate the State, at least not in practice (unlike the Neturei Karta who refuse to pay taxes or participate in elections).

Agudat Israel relates to the State pragmatically, without granting it any religious significance, whether positive, like the religious Zionists, or negative, like the Neturei Karta. This tendency has been reinforced in the

Likud government which related positively to the demands of this small party for tactical political reasons. As a result, it is permissible to accept financial support from the government, just as it was in the days of the *Malkhut*, the “kingdom” (a pejorative for the ruling powers in Eastern Europe before the Holocaust, and still used in relationship to the State of Israel). It is permissible to participate in elections and, under certain conditions, to take part in the government (even one with women in it) without granting religious-halakhic significance or ideological meaning to this fact.

Moreover, even on a clearly religious question, such as that of “the holiness of the land,” with its political implications, many Agudat Israel members take “dovish” stands and are prepared to return territories in Judea and Samaria. This stand is justified by the religious principle of “saving a life” which supercedes the commandment to hold on to all of the Land of Israel (This argument was strongly advocated by the former Sephardi Chief Rabbi, Ovadia Yosef).

Here, too, Agudat Israel considerations are more pragmatic than religious. According to their philosophy, one should not mix religious values and concepts like “the holiness of the land” with secular-political ones like the State of Israel. It is true that because of the personality of then prime minister Begin, and his positive attitude towards Jewish tradition, it was convenient for this party to be led along by the nationalist demands of the Likud in all matters relating to a Greater Israel, but it is a mistake to assume that this is inherently the attitude of Agudat Israel.

Furthermore, issues such as abortion, autopsy, archaeological excavations, and military service for women are viewed by them as religious issues, par excellence, and are, therefore, much more important than the issue of secular rule over all of the Land of Israel.

Thus, ideologically, Agudat Israel is very close to Neturei Karta, yet *de facto*, its behavior differs sharply and does not exhibit an extremist relationship to the State. Its view is more sober and practical and does not essentially differ from the utilitarian approach to the Polish regime before World War II or to the American administration today.

Religious Zionism

The Neturei Karta and Agudat Israel, although quite important ideologically, are largely marginal in the social structure of the State of Israel. Much more significant is the attitude of the national-religious camp in its relationship to the state and its resulting attitude to the “territories” and to the autonomy plan.

It seems that on this issue one can not really speak of unanimity in the national-religious camp, even though there is a clear tendency to identify nationalism with religion. The majority of the national religious camp insists on Israeli rule over Judea, Samaria, and the Gaza Strip. This phi-

losophy is not solely based on national grounds, as is the case for the Likud, but, also, and perhaps even mainly, on religious grounds.

Thus it is believed that divine intervention assured Israel's rule over all the Land of Israel as a result of the Six Day War. This view was expressed by Isaiah Bernstein, one of the leading thinkers of religious Zionism, in his book, *Ye'ud vaDerekh*, in the following words:

We are witnessing the realization of the prophecies concerning the return of the people of Israel to its land and the renewal of Israeli rule. This is the supreme and wondrous revelation of the beginning of the redemption.

It follows, then, that the return to foreign rule of any territory in Judea, Samaria, and the Gaza Strip should be opposed, specifically on religious grounds. According to this approach, this is not only a political issue, but, rather, a religious one of the first order.

This is the present position, even though, in the past, priority was given to the positive religious dimension of the State of Israel over Zionism. This was accompanied by socialist values, which made religious settlers part of the larger "pioneering settlement movement."

This situation created a practical relationship between religious Zionists and all areas of life in Erez Israel as well as an ideological one, whose expression is not always clear. On the one hand, a special prayer for the welfare of the State was composed by the Chief Rabbinate, defining the State of Israel as "the beginning of the redemption" and, as such, even in its secular form, it has religious significance. But, on the other hand, religious Zionists related to the State as to a national framework without a religious dimension. For example, it was not the religious aspect of the holiness of the land that was emphasized in the indoctrination of youngsters in the religious youth movement. Rather, the social and moral aspect of settling the land were emphasized. Even though these values might be part of the religious value system, their origins in this case lie in secular labor or socialist ideology. As a result, many religious Zionists were political moderates and the pragmatic philosophy of the secular labor movement, with its clearly dovish elements, applied to them as well. Here, too, there was a clear tendency to relate to political problems in a pragmatic way without particularly stressing religious elements.

But anyone observing trends in the religious Zionist camp in recent years could clearly discern that this hesitant stand of the moderately religious and the secular nationalistic was coming to an end. Indoctrination in the Bnei Akiva religious youth movement, once broad and open-minded, has become increasingly narrow and dogmatic. The yeshivah high schools, too, were formerly far more tolerant and less nationalistic. The religious kibbutz movement, for years the leading and pioneering element in the religious Zionist camp, has been forced to concede to yeshivah circles, led by the Merkaz ha-Rav Yeshivah, whose head was the late Rabbi

Z. Y. Kook (the son of the late Rabbi A. I. Kook), spiritual leader of Gush Emunim.

There are various reasons for these developments. Both immediately before and after the establishment of the State, the religious national community was in a defensive position. Because of its ideological commitment to be an integral part of Israeli society, it had to please the secular segment of Israeli society and this required less rigidity and more compromises.

This defensive position resulted from the fact that the religious were, at that time, a minority, while the secular, both in Erez Israel and abroad, were at the pinnacle of their power. As a result the dropout rate, mainly of young people, from the religious camp, was very high. In recent years this situation has changed. Ideologies foreign to Judaism lost their glitter. The spiritual and social crises in Western democracies today have also left their mark on Israel. In addition, it seems that the proportion of religious members of Israeli society, or at least the religious presence in public life, has become more noticeable. Moreover, while during the early years the energies of both the secular and the religious were focused on developing an infrastructure and framework for the Jewish state, today, over a generation later, more people are concerned with the content of this structure. It is only natural that in such a situation nationalist ideologies, and even more so religious nationalist ones, have a special attraction as against weakened universalist ideologies. (A similar phenomenon can be noticed in recent years in a number of Muslim states which have become disillusioned with Western culture.)

Against this background, the words of Rabbi A. I. Kook, the first Ashkenazi Chief Rabbi of Erez Israel, seem quasi-prophetic. In a parable he compares the birth of the State of Israel to the building of the Temple. In both instances, there was no selection of participants. Even the Holy of Holies, the most sacred inner sanctum, where only the High Priest was allowed to enter on the Day of Atonement, was built by simple workmen. The sanctity of the place took effect only when construction was ended. The same is true for the State of Israel. Rabbi Kook's love and sympathy were granted to all of the "simpler workers" including those who would violate halakhah in public, as did the pioneers of the left-wing ha-Shomer ha-Zair movement. Today, however, even though the task is not yet finished, not only the form but also the content of the State must be considered. Rabbi Kook's assertion is proved true by the fact that present concern about the essence of life in Israel, as manifested by Orthodox Jews, is also shared by some thoughtful young people who are the grandchildren of the founders of the ha-Shomer ha-Zair kibbutzim.

In this atmosphere, which is partly the result of disenchantment with yesterday's ideas, as well as of the vacuum created in its wake, Gush Emunim is attaining an increasingly important place in Israeli society, and not

only among religious Jews. What are the roots of the movement and what are its objectives?

Gush Emunim

The problematics of assigning religious significance to the State do not concern Gush Emunim. If in, prayer, the State is referred to as the “beginning of the redemption,” it must be both understood and implemented accordingly. This ideology is the antithesis of the anti-Jewish-State ideology of the Neturei Karta, even if it is implemented with similar extremism. Whereas the Neturei Karta condemn the State for religious reasons, this same State, even in its present framework — democratic rather than theocratic — is sanctified as an absolute religious value by Gush Emunim.

Therefore, when the settlers of Eilon Moreh near Nablus are evacuated as a result of a Supreme Court decision, they do not view the government as “criminals” to be shunned, as the Neturei Kart do, but, rather, as lost souls who must be returned to the righteous path, and awakened nationalistically.

Thus, Gush Emunim philosophy insists on the religious principle — largely justified — of the absolute right of each Jew to settle anywhere in the Land of Israel. A *sine qua non* is that the settlement must be part of the State of Israel. Hence the extremist stand of Gush Emunim against the autonomy plan, as Rabbi Z. Y. Kook, expressed it:

Any concession or annulment of Israeli control of even the smallest part of our homeland and its transfer to a Gentile authority is absolutely prohibited by the Torah and is simply the theft of our land.

A fundamentalist stand, leading to a similar but more extreme conclusion, is taken by the Habad movement, based in New York and led by the Lubavitcher Rebbe, Rabbi S. Z. Schneerson. One of today’s most authoritative leaders of Orthodox Judaism, he is absolutely opposed to any “concession to the Gentiles,” not only in Greater Israel in its halakhic boundaries, but even in faraway Sinai. It is difficult to determine whether this absolute stand is based solely on halakhic grounds or whether it has intended or inadvertent national or even nationalistic undertones. This distinction between religious and national arguments, which is common among sociologists and political scientists, is certainly well grounded (he often cites the honor of Israel, its pride of place among the nations of the world, to justify his attitude), but it would never be admitted as part of Habad’s philosophy. Habad followers interpret their Rebbe’s ideas solely on religious grounds, although he has never clarified his stand concerning the religious significance of the State of Israel. It appears that, in this respect, his views are closely related to those of the ultra-Orthodox camp (denying religious significance to the State). The outcome in both cases is clear: we are faced with an extreme attempt to implement a nationalist-

religious ideology, transforming the State not only into a supreme national aim but into an absolute religious one as well. This approach is opposed to the pragmatic attitude of religious Zionists and labor socialists in the past.

Other Religious Groups

Not all religious approaches, however, are as unequivocal. A substantial number of religious Zionists do grant religious significance to the State and, subsequently, to the Six Day War and its outcome (unlike the ultra-Orthodox stand) while confronting "territories" with "peace." Thus, they identify with the tactical stand of Agudat Israel while agreeing to be labelled "doves" and to the return of the territories, and, as a result, even to the granting of more or less complete autonomy to the Arab population in the territories if this will, indeed, promote peace between Israel and the Palestinians. This camp is centered around the Oz ve-Shalom circle and sees in Rabbi J. B. Soloveitchik, the prominent religious leader of American Jewry, its leader on this issue.

Mordant criticism of Gush Emunim's extremist ideology is also leveled by Professor Y. Leibowitz, the prominent scientist and philosopher, who unequivocally condemns the idea of a religious-based "state-cult." In his opinion there is no fundamental difference, from a religious point of view, between a Jewish and a non-Jewish regime — not in the far past, during the Hasmonean reign, and certainly not in the present. Hence his admonitions against viewing the State as "the beginning of the redemption" instead of viewing it as a socio-political framework, a necessary evil preventing chaos. Nor should any religious significance be granted to the establishment of the State or to the outcome of the Six Day War, and no attempts should be made to base one's attitudes to autonomy on halakhic grounds. As presented by Leibowitz, Judaism is irrelevant to the State, *per se* and "the philosophy embodied in the Torah is not and cannot be identified with the apparatus of the political regime." Thus, whether or not to return parts of the Land of Israel is in no way a religious question. It is, rather, a political, national, and social one. More than others, Leibowitz constantly warns of the danger inherent in the subjugation of religion to nationalistic values, however important these may be. In his opinion, there is not only an overtone of fascism in this approach ("the state above all"), but it is, in fact, a "prostitution of religion" to nationalism.

It is not surprising, therefore, that he was among the first to preach the unilateral return of the territories conquered during the Six Day War, not for halakhic reasons but because he foresaw the damage to Israeli society that would result from control over more than a million Arabs who neither accept nor like Israel.

Eliezer Goldmann, one of the important thinkers in the religious kib-

buz movement, voiced similar thoughts. In *Amudim*, the organ of the movement, he wrote:

The concept of a "Torah state" is self-contradictory, because the state as we know it is essentially a secular institution, based as it is on the principle of territorial-judicial sovereignty, whereas an analysis of halakhic theory of the Jewish legal-entity reveals that it is not territorial but rather ethnic. The Gentiles residing in the Land of Israel are not subject to Torah law . . . there is no concept of judicial uniformity on a territorial basis. The concept of citizenship is not known at all.

Would it be far-fetched if we concluded that these words indicate a certain distancing from "holiness" and from the religious significance granted to the State of Israel by certain religious authorities, primarily by the Chief Rabbis? One cannot ignore the fact that Israel in its present form is no more than a socio-political framework, based on the political philosophy of nineteenth- and twentieth-century Europe. It has nothing in common with the Torah "state," even if there were, indeed, any practical significance to this concept.

Although Goldmann's article refers to the State, and not necessarily to the territories and the form of rule over them, we can assume that he does not attribute religious-halakhic meaning to the territories, Religious Jews, according to him, should not regard this issue from a halakhic viewpoint, which presumably is clear and unequivocal, as is the case for most religious Zionists and the members of Gush Emunim.

Thus, the extremism of Gush Emunim ideology provokes strong reactions, especially when the question of "peace" versus "territories" is sharpened in the public consciousness. On the one hand, Gush Emunim has a fairly large following motivated by an intensive sense of mission; on the other hand, it arouses opposition and even disgust because of its extreme chauvinism and uncompromising nationalism.

I am not competent to dispute the philosophy of the late Rabbi A. I. Kook, with its many mystical components, but what is obvious in the philosophy of his followers, which may be a correct or incorrect interpretation of his position, it can be summarized thus: (a) extension of the concept of the holiness of the Land of Israel beyond conventional religious areas (such as commandments pertaining to agriculture, etc.) to the political realm; (b) extension of the concept of the sanctity of the people of Israel to the extent that anything which a Jew does is, in fact, "holy," just because he is a Jew rather than a Gentile. According to the philosophy of Gush Emunim everything is "holy": the land, the state, the people, and even the army. Thus, one of the settlers in Sebastia could say: "We won't raise a hand against an Israeli soldier because the IDF is holy."

This religious-nationalist stand earned Gush Emunim the label of "false messiahs," not only on the part of their opponents, but even on the part of Prime Minister Begin who was an outstanding supporter of the Gush and its activities. Here is the main point of contention between the

national-religious approach, in any interpretation, and the religious-nationalistic approach of Gush Emunim. *Ab initio*, Zionism and nationalism are both exalted values, yet neither is absolute nor, perforce, unchanging. By their very nature they are subject to interpretations which vary according to political conditions, but as soon as one attaches a religious label to these values, this is no longer the case.

When the questions of autonomy or of the territories are conceived as religious issues, it is impossible and even forbidden to give up on them for any tactical political consideration.

This is not the place to expand on the serious danger that could result from granting an absolute religious dimension to political concepts such as "state" or "autonomy," which are secular by their very nature, and from granting holiness to the Jew, *per se*, even though, in essence, he, too, is but a secular earthly being, like all other humans. Anyone acquainted with the history of Jewish thought knows that such a pantheistic approach — which sanctifies everything (without asking what "sanctity" really means) — has a basis in Judaism (as, for instance, in the philosophy of twelfth century Yehuda Halevi, as expressed, in *The Kuzari*), but it can by no means be accepted as the only legitimate Jewish stand, as its proponents tend to do.

The fact remains that an analysis of a phenomenon like Gush Emunim in contemporary Israeli society must avoid classifications along conventional political party lines. It is a vision of idealistic young people — whose pioneering zeal to settle "the entire Land of Israel" (or if you prefer, Greater Israel) does not fall below that of the pioneers of Degania and Kinneret over two generations ago — except that then the motivation was secular pioneering and even universalism, and today it is religious and even nationalistic.

Adoption: A New Problem for Jewish Law

MICHAEL GOLD

EVERY SHABBAT OUR FAMILY ENJOYS SINGING the entire *Birkat HaMazon* (Grace after Meals) out loud. Yet, I often feel a sense of irony when I come to the section where I bless myself, my wife and my children. I say the words: "*HaRaḥaman, Hu yivarekh oti v'ishti v'zari*", "O Merciful One, bless me, my wife and my seed." I look at my son and daughter, trying to attain the proper *kavanah* truly to invoke God's blessing upon them. But, realistically, I realize that they are not my seed.

My two children were born to strangers. Their birthmothers were Gentile women who chose to carry their unwanted pregnancies to term, although they were unable to keep and raise the babies. Both children were adopted into our home as infants. We properly converted them to Judaism; our son had a *bris* and both our son and daughter were immersed in a *mikvah* before their first year. Both are being raised in a traditional Jewish home, with a strong sense of identity. I am aware of the beautiful Jewish maxims regarding adoption: Whoever brings up an orphan in his home is regarded, according to Scripture, as though the child has been born to him" (*Sanhedrin* 19b). "He who brings up a child is to be called its father, not he who gave birth" (*Exodus Rabbah* 46:5). Yet, they are not my seed.

The use of the word "seed" to refer to a child reflects a fundamental fact of Jewish law. Adoption is unknown as a legal institution. Jewish tradition may wax eloquent on the virtues of raising an orphan in one's home, but that orphan can never lose his identity acquired at birth. Bloodlines can never be replaced. The facts of biology give a child his or her religious status, not a legal procedure done in the civil courts.

I realize some of the more severe consequences of this lack of adoption in Jewish law:

1. Our two children, although converted at birth, have the right to protest their conversion and give up their Jewishness upon reaching the age of Bar and Bat Mizvah.
2. Our son and daughter, although raised in the same household, would be permitted by Jewish law to marry one another since they are not consanguinous.
3. If I were a *kohen* or a *levi* (which I am not) my son would still be a Yisrael.
4. My daughter is a convert and, according to halakhah, cannot marry a *kohen*.

MICHAEL GOLD is Rabbi of Beth El Congregation, Pittsburgh, PA.

I accept all of these facts, because I understand the halakhic system. What concerns me is a meta-halakhic question: Why does Jewish law not recognize adoption as a legal institution? Why has halakhah, with its social progressivism and its concern for the welfare of the orphan, never developed laws regarding adoption? Why was the word “adoption” unknown in Hebrew until modern Israeli lexicographers, basing themselves in a difficult passage in Psalms, applied the root *amez* to it?

The answer becomes clear if we compare Jewish law to British Common law. In British Common law, adoption was unknown until the twentieth century, when it became part of statutory law. British culture was concerned with bloodlines. Royal titles and property were passed from father to son; when there was no heir to property it would pass to the crown. There was no room for adoption in such a system, and an adopted child could certainly not inherit a title. To illustrate, imagine Prince Charles and Lady Diana adopting a son. That child would certainly not be in line for the crown.

This concern with bloodlines in British society was satirized in the Gilbert and Sullivan comic opera, *HMS Pinafore*, in which a lowly sailor of common birth falls in love with the daughter of the captain, born of noble blood. Such a love affair between classes was unseemly and improper. At the end of the opera, in standard Gilbert and Sullivan fashion, the issue is resolved. It turns out that the sailor was really born of noble blood, the captain of common blood, and the babies were exchanged during infancy. In the end, each returns to his rightful status in British life and they live happily ever after.

We can laugh at the absurd humor of this concern with proper birth as satirized in *HMS Pinafore*. Yet, the comic opera ought to ring true to the Jewish community. Imagine two babies, one born to a Gentile woman and the other to a Jewish woman, and then exchanged at birth. The Gentile baby is raised in a Jewish home to be a committed, even observant, Jew. The Jewish baby is raised in a Christian home, knowing nothing of its biological origins. Later in life, the truth comes out. By Jewish law, the way that the child is raised is irrelevant; the child born a Jew will be considered a Jew, the child born a Gentile remains a Gentile. In Judaism, biology is everything.

A concern with bloodlines and the proper determination of *yihus* (family background) is a central feature of halakhah. Birth determines a child's status as Jew or Gentile, *kohen*, *levi* or *yisrael*, *mamzer* or *kasher*. That is the reason why Judaism has no adoption laws. That is also one of the reasons for the laws of matrilineal descent. The mother determines the religion of the child because the mother is always known; the father may not be known.

It is worthwhile to explore when this concern with biology became central to Judaism. It is questionable whether it existed in Biblical times. The Book of Numbers does describe a census of all the tribes, saying that

Moses “convoked the whole community, who were registered by the clans of their ancestral houses — the names of those aged twenty years and over being listed head by head” (Numbers 1-18). Rashi, in commenting on this verse, says that “they brought out books of everyone’s bloodlines and testimony to substantiate their birth, so that each one can be connected with a tribe.” Yet, one could argue that Rashi’s words were an anachronism, a reading of the Biblical text from a medieval Jewish viewpoint.

The truth is that many people in that Biblical census were not connected to a tribe, at least by blood. The Bible describes a mixed multitude who left Egypt with the Israelites (Exodus 12:38). Known as the *asafsuf*, the members of this group probably attached themselves to the various tribes without a blood connection.

The Bible contains numerous references to relations between parents and children without direct bloodties. The donor of the sperm or egg may not necessarily be the legal mother or father. When Sarah is childless, she uses her handmaiden as a surrogate mother to have a child for her. “And Sarah said to Abram, “Look, the Lord has kept me from bearing; consort with my maid; perhaps I shall have a son through her” (Genesis 16:2). Here is an example where one woman donates the egg and another one is considered the mother. A similar example can be found for the man, where the sperm comes from one man and another is considered the father. The law of Levirate marriage states that when a man dies childless, the widow must not marry a stranger. “Her husband’s brother shall unite with her; take her as his wife and perform the levir’s duty. The first son that she bears shall be accounted to the dead brother, that his name may not be blotted out in Israel” (Deut. 25:5-6).

Adoption is also known in the Bible. Pharaoh’s daughter adopts Moses and he is called “her son” (Exodus 2:10). Mordecai brings up his cousin, Esther (Esther 2:7). Michal is childless (1 Samuel 6:23), yet, she is considered the mother of her five nephews (2 Samuel 21:8).

Perhaps the most dramatic example of the Bible’s lack of concern with bloodlines is in the Book of Ruth. The Torah says that no Moabite shall be admitted into the Congregation of the Lord (Deuteronomy 23:4). Yet, Ruth, a Moabite woman, not only becomes part of the people of Israel, she is the great-grandmother of King David. The Talmud, seeking to resolve this contradiction, says that only a male Moabite cannot enter the Congregation; a female may become a proselyte (*Yebamot* 77a). This answer seems a bit forced. It is possible to understand the Book of Ruth not only as a tract in favor of conversion, but as a polemic against the emphasis on bloodlines.

A similar story from the Second Temple Period would indicate that one’s biological status should be secondary. King Agrippa, who ruled Palestine in the first century C.E. was an Idumean of questionable descent. The Mishnah speaks of his public reading of the section of the Torah regarding a king, saying,

King Agrippa stood when he received it and read it and the Sages praised him for this. When he reached the words, "Thou mayest not put a foreigner over thee," his eyes streamed with tears. They said to him, "Fear not, Agrippa, you are our brother, you are our brother, you are our brother" (*Sotah* 7:8).

The rabbinic concern with purity of lineage was secondary to their respect for this one particular king.

This story of Agrippa indicates the attitude of the rabbis towards bloodlines. In the Jewish community, the mantle of religious leadership was passed from the hereditary priesthood to scholars. A rabbi could reach a position of leadership based totally on learning, regardless of the facts of his birth. The Talmud declares that "A *mamzer* (someone of illegitimate birth) who is a scholar takes precedence over a high priest who is an ignoramus" (*Hor.* 3:8). Torah learning, which was open to everybody in the community, takes precedence over leadership by heredity.

In fact, there is an insight to be found in the ritual of Yom Kippur. On one hand, the ritual of the holiest day of the year was led by the High Priest, a position acquired by birth. Yet, the High Priest could perform the ritual only after careful instruction by the rabbis. The Mishnah teaches, "If he (the High Priest) was learned, he expounded, if not, the sages expounded before him. If he could read, he read, if not, they read before him" (*Yoma* 1:6). This historically accurate picture of a High Priest who could not read from the Torah scroll shows the rabbinic disdain of leadership by birthright. In classical Judaism, as in modern America, personal achievement, and not the prerogatives of bloodline, defines one's status in society.

All of this leads to the question: why does halakhah place such a heavy emphasis on questions of bloodline and biology? Why do we gain our status as Jews by the donor of our genetic material, as opposed to who we are and how we are raised? There is evidence to indicate that it goes back to the days of Ezra and the return from the Babylonian exile.

Ezra was a priest, and the priesthood had a great concern with genealogy and bloodlines. The Bible indicates that Ezra made a careful registry of those who returned with him to Palestine from the Babylonian exile (see *Ezra*, Chapter 8). The Mishnah teaches, "Ten classes of *yihusin* (genealogical groupings) came up from Babylon: the priests, the Levites, the *yisraelim*, the *halalim* (the offspring of a priest's unlawful marriage), the proselytes, the emancipated slaves, the *mamzerim*, the Gibeonites, the illegitimates of unknown fatherhood and the foundlings" (*Kiddushin* 4:1). The Talmud elaborates on this *mishnah*, saying that when Ezra came from Babylonia he brought with him all of the scholars of his generation. Since there was no one left behind to insure the purity of bloodlines, he had to bring with him all those of questionable parentage (*Kiddushin* 696).

In general, there was great emphasis among the priesthood on proper lineage and pure genealogy. Not only must a *kohen* know for cer-

tain that he is truly a priest, but there are severe limitations on whom he is permitted to marry. In fact, most of the discussions of the Talmud regarding bloodlines are directly related to the priesthood. Priests would check the family lineage of their bride-to-be; often they were stricter than the rabbis. For example, the Talmud (*Ketuvot* 14a) records a decision of Rabban Gamliel allowing a priest to marry a woman of questionable lineage. However, he says, there is no purpose in promulgating such a ruling, since the priests will not listen anyway.

This emphasis on bloodlines probably developed under the leadership of Ezra of whom the Talmud says that he did not leave Babylonia until he had written his own genealogy and that of his generation (*Baba Batra* 15a). This priestly concern with genealogy became the normative halakhah though the rabbis were occasionally willing to overlook questions of impure bloodline and improper descent. For example, the Talmud does contain the amazing statement of R. Yoḥanan: "It is in our hands (to find information about people's pedigree), but what can we do since many of the leaders of our generation are married into these families" (*Kiddushin* 71a).

It seems that under the influence of the priesthood, a concern with biology became a central feature of halakhah. When Jews lived in clearly defined communities that were committed to the halakhic system, this presented a little problem. The facts of a person's birth were generally well defined and one's status was accepted. Adoption as a legal institution was unknown. For a man to marry out of the faith was the equivalent of removing himself from the community and for that man to claim Jewishness for his children, based on patrilineal descent, was unheard of.

Today, we live in a different world. The line between Jew and Gentile is much more vaguely drawn; intermarriage is rampant and the Gentile partner often becomes part of the community without conversion. Standards of conversion vary among the various sectors of American Jewry, and conversions done by some rabbis are not accepted by others. Patrilineal descent in the Reform movement was a standard practice de facto long before it became policy de jure. Jews are adopting children born of Gentile mothers and raising them as Jews, without the benefit of formal conversion.

Today, Jewish communities that have been separated for centuries have been reunited with their brethren in Israel. Jews from India and Ethiopia have come to the Jewish state, only to discover that their "Jewishness" is open to question due to problems of lineage. This problem will become overwhelming when the huge number of Jews from the Soviet Union are allowed to emigrate, since many are the products of mixed marriages and, technically, are not Jewish.

The biological definition of Jewishness is no longer adequate to define "who is a Jew." Orthodox families, concerned with finding marriage partners who are halakhically of pure lineage, are going to find the

pool of potential marriage partners shrinking. One Orthodox rabbi told me that his community has begun keeping a “*sefer yuhesin*”, a book of lineage, to attest to the proper bloodlines of his membership. Such books may well become more common in the Orthodox community as the number of Jews of questionable background increases.

Speaking recently in a synagogue on the potential divisiveness caused by the variety of definitions of “Who is a Jew,” I emphasized the importance of maintaining halakhic (i.e. biological standards) to preserve the unity of the Jewish people. A member of the audience attacked me bitterly. He said that if the rabbis insist on proper halakhic definitions, they would become more irrelevant to the Jewish community. He declared that he knows who is a Jew and who is not a Jew and that he does not need a rabbi to check someone’s biological lineage or method of conversion. He said that the Jewish community will confer the status of Jewishness on a person irrespective of what rabbis say.

This man implied that there are two definitions of a Jew, a rabbinic (halakhic) one and a popular one. This is already true in the land of Israel. In 1962, a Jew named Oswald Rufeisen came to Israel and expressed his desire to become a citizen under the Law of Return. During World War II he had helped many Jews to escape but he himself had converted to Catholicism, had become a Carmelite monk and had adopted the name of Brother Daniel. The case stirred up great controversy and was eventually settled by the Supreme Court of Israel.

The Orthodox argued that Brother Daniel, although a *meshumad* (apostate), was still a Jew, based on the Talmudic maxim, “a Jew even if he sins remains a Jew” (*Sanhedrin* 44b). Biologically, Brother Daniel was a Jew. If every Jew becomes automatically a citizen of Israel, Brother Daniel ought to receive such citizenship. Justice Moshe Silberg rejected this argument. He said that there is a second definition of a Jew, based on non-halakhic criteria. He wrote that

the term “Jew” has a secular meaning, that is, as it is usually understood by the man in the street — I emphasize, as it is understood by the ordinary plain and simple Jew” (Zalmon Abramov, *Perpetual Dilemma*, pp. 287-288).

To Justice Silberg, a Jew who becomes a Catholic is no longer a Jew.

The man who spoke to me at the synagogue was in agreement with Justice Silberg. There is a rabbinic-halakhic definition of who is a Jew, but it is irrelevant to the vast majority of Jews in Israel and the United States who see Jewishness based on identity and belonging, not on biology.

It is becoming clear that the Jewish community is moving beyond biology and developing new criteria for “Jewishness.” Modern reproductive technology is providing further impetus for this move. Such techniques have often removed the biological link between parents and children. Each year, thousands of children are born as the result of artificial insemination, where a stranger donates the sperm. This would not affect

the Jewishness of the child which follows the mother, but it would affect the child's status as a *kohen* or *levi*. Today, the techniques of embryo transplants allow one woman to donate the genetic material and another to provide the womb during gestation.

To understand the halakhic difficulties that this entails, imagine the following situation. A Jewish couple desires a child, but, although the woman is fertile, she has no uterus. An ovum is removed from her and fertilized in-vitro by the husband's sperm. The fertilized ovum is then implanted in a Gentile woman, who gives birth to the child. The original couple then adopt their child. Is the child Jewish? The biological father and mother, who are also the adoptive parents, are both Jewish. Yet, the child was born of a Gentile woman. Most (but not all) halakhic authorities would claim that the child is Gentile. In this case, medical techniques have moved beyond biology. Jewish law (and, for that matter, civil law) has yet to catch up.

The Reform Movement is already putting into practice a Judaism that goes beyond biology. It claims that biological facts are irrelevant in determining the status of a child. If a child is raised as a Jew, it is a Jew, regardless of the status of the mother. On the other hand, if the child is not raised as a Jew, the implication is that the child cannot be considered a Jew even if the mother is Jewish. This was the essence of the patrilineal descent decision. In addition, the Reform Movement has said that a child born of Gentile parents and adopted into a Jewish home will be considered a Jew, with no further conversion necessary. Long ago Reform Judaism removed the biological categories of *kohen* and *levi*, as well as *mamzer*. For them there are only two categories, Jew and Gentile, and they are based on upbringing and belonging, not on biology.

The Reform position has a wonderful consistency to it. One could even argue that it is closer to the Biblical position than is traditional halakhah. Yet, for rabbis like myself, who are committed to the halakhic system, it presents an enormous danger. In Reform temples throughout the United States, untold numbers of children are growing up as Jews, but I cannot regard them as such. What will happen when these youngsters want to marry someone from a Conservative or Orthodox home? The Reform position, in spite of its logic, is a serious threat to *Klal Yisrael* (the Unity of Israel).

The Orthodox in Israel have adopted another procedure in relation to Jews from Ethiopia. The *brit milah* which these Jews received in Ethiopia is considered "kosher," so no further symbolic circumcision is needed, but due to questions of lineage and irregularities in divorce procedures, every Ethiopian Jew should go through a symbolic immersion in a *mikvah* to be considered a legitimate and be permitted to marry.

The community of Ethiopian Jews, newly arrived in Israel as a result of Operation Moses has reacted to this rabbinic requirement with predictable outrage. For centuries they had been considered Jews in their

native land, had suffered for their Judaism, and had dreamed of a return to the land of Israel. Once in the Jewish homeland, however, their Jewishness is being called into question. Many have accused the Israeli rabbinate of racism, since the Jews in question are also black. In support of this charge is the fact that Jews making *aliyah* from other countries are not forced to go through such a symbolic immersion in the *mikvah*. Certainly many Jews coming from America and Russia are of more questionable lineage than are the Jews of Ethiopia.

Finding a satisfactory solution within halakhic parameters will not be easy. Perhaps the time is approaching to consider requiring immersion of every Jewish child shortly before Bar or Bat Mitzvah. Just as halakhah requires that a bride immerse in a *mikvah* before her wedding date, so every Jew could undergo a symbolic immersion before reaching the age of majority. Then no question could ever be raised of the Jewishness of any youngster, regardless of biological lineage. This solution may be elegant in terms of halakhah, but it is doubtful whether it will ever be acceptable among the masses of Jews.

In truth, there may be no acceptable halakhic solution to the dependence of Jewishness on biology. As mentioned, the Jewish concern with lineage and bloodlines grew out of the needs of the ancient priesthood. Today, that priesthood is no longer central to Jewish life; in fact, most *kohanim* today are themselves of questionable lineage. In the past, Judaism has allowed a halakhic institution to fall by the wayside when it raised more problems than it solved. For example, at one time, a husband who suspected his wife of committing adultery could force her to drink the bitter waters. When the number of adulterers among both men and women multiplied, Rabbi Yohanan ben Zakkai discontinued the whole ritual (see *Sotah* 9:9).

The people themselves are already solving the problem. They are recognizing as Jews those who are raised as Jews or who actively identify with the Jewish community. They are ignoring questions of biology. This approach is probably closer to the Biblical definition of who is a Jew — and far more logical. For who among us can prove that he has pure bloodlines stretching back to Jacob and his sons? It may take several generations, but I believe that we can look forward to a Judaism that will be beyond biology.

Benjamin Crémieux: Jew and Frenchman

SIDNEY D. BRAUN

MUCH OF THE HISTORY OF THE JEWS, ESPECIALLY in the Diaspora, relates to problems that involve persecution, anti-Semitism, and assimilation. The Jew has, indeed, served as a barometer of the various forces that go to make up civilization. He reflects its hopes, its progress, and aspirations. But, at the same time, he is more often than not the victim of its hatreds, prejudices, and irrationality. Historians and psychologists have suggested numerous and conflicting reasons for this hatred. The fact of the matter is that anti-Semitism, a term coined at the end of the nineteenth century, has lasted thousands of years, and has inscribed itself in the martyrology of the Jewish people. But the miraculous survival of the Jews has been a double-edged sword. On the one hand, it has resulted from identification with the Jewish religion; on the other, it has left in its wake a secularist character which easily accomodates to acculturation and assimilation.

The purpose of this essay is basically to explore, through one case-history, the successes and failures of assimilation as a process of Jewish integration into society. Needless to say, being Jewish and assimilated has always posed certain psychological problems: a desire for liberation, anxieties, forebodings, uncertainties, hesitation and retreat, tensions, gradations of feeling and attitude, and, more important, a desperate wish to be accepted like others.

These hesitations and ambivalences, viewed in a more meaningful manner, reveal the problems confronted by the assimilated Jew who is attached politically, socially and culturally, to the land in which he and his forefathers have lived for generations, but who, at the same time, is proud of his Jewish origins and reaffirms his historical Jewish identity. Although many modern assimilated Jews give evidence of feelings of self-hatred, what is reflected in most of them is a continuing Jewish consciousness which is also attracted to the social and cultural spheres in which they live. For this reason, the assimilated Jew has been described by sociologists as "the marginal man." The process of his assimilation, moreover, is complicated by the difficulties created by those nationalities which regard the Jewish race and culture as alien and as a form of pollution.

Since nothing, we are convinced, serves theory better than an actual case history, we offer, in his instance, Benjamin Crémieux, in whose writ-

SIDNEY D. BRAUN was professor of French at CUNY. He has been twice decorated by the French government and has written prolifically on French literature.

ings, evolution of thought, and personal experience, one can easily view the various aspects and consequences of assimilation.

1.

Benjamin Crémieux (1884-1944), a French Jew, born in Narbonne, has been recognized by such peers as Jacques Rivière to be one of the best literary and dramatic critics of his generation. In his frequent contributions to foreign literary periodicals, he demonstrated his cosmopolitan outlook. What is of special significance in his case, however, is that little, if anything, is known of his origins, or of his sense of Jewishness and identification with the Jewish people.

Two authors, Pirandello and Proust, in whom Crémieux, as a literary critic, scholar, and translator, was interested, and with whom he shared certain affinities, reflect many of his own attitudes toward the Jew and toward humanity in general. After the First World War, in which he was seriously wounded, he devoted himself to the study of Italian literature, in which he attained the doctorate. His preoccupation, moreover, with Pirandello, whose plays he had translated, can perhaps best be explained by the sense of compassion for the suffering that he shared with him, as well as by the notion, common to both, that, strictly speaking, there is no such thing as "characterization," since individuals are constantly involved in the process of change. This notion means, in effect, that individuals, and groups, for that matter, are no longer today what they were yesterday, or will be tomorrow. Logically, therefore, Crémieux wondered how it was possible for society to judge collectively a people, a race, or a nation. If it did so, however, that judgment could be based not on the dictates of reason or truth, but, rather, only on various prejudices. The stereotype, particularly of the Jew, he concluded, was in no way related to Justice or Truth.

No doubt this conviction was one of the reasons for his attraction also to Marcel Proust, in whose work he found the same approach toward individual and group mobility. Other reasons include a similar psychological curiosity and interest, as well as the same Jewish origin that he shared with Proust. Finally, and perhaps most important, the contrast between Bloch and Swann, the most prominent Jewish characters in Proust's major work, reflect Crémieux's own notion of the various gradations found in the assimilated Jew, as well as his rejection of any unflattering stereotype of the Jew.

2.

In two of the earliest and remarkable introductory studies of Proust, written by Crémieux — *XX^e Siècle* (Twentieth Century, 1924) and *Du Côté de Marcel Proust* (Marcel's Path, 1928) — one finds a penetrating analysis of Proust as a Jew and, even more important, of the most important Jew-

ish characters in his major work. As any reader of Proust knows, *A la recherche du temps perdu* (Remembrance of Things Past, 1913-1922) can best be understood within the framework of the Dreyfus Affair. Crémieux, not unlike Proust, was not so much interested in the political events involved in this case, as he was in the attitudes of both Gentiles and Jews toward Jews, attitudes which, in the final analysis, reveal a judgment that is essentially based on passions and intolerance.

Contradicting, to a certain degree, his own basic position with regard to stereotyping individuals, peoples, or nations, Crémieux makes the generalization that Jews are torn between their Oriental atavism and their desire to assimilate (*XX^e Siècle*, p. 51). But the prime example of the inauthentic assimilated Jew whom Crémieux finds in Proust's work is Bloch, who, in no way wishes to identify as a Jew. As a matter of fact, to gain social acceptance and recognition, and to offset the hostility shown him in Christian circles, he even indulges in virulent anti-Semitic tirades in the presence of other Jews. Mostly, he is motivated by personal vanity and, in the eyes of Crémieux, reveals self-hatred, self-deception, inauthenticity as a human being, and a peculiar form of Jewish anti-Semitism (*DC*, p. 106).¹ Different from Bloch, Swann is another example of the assimilated Jew. He is portrayed as one who comes from an old family that is entirely acculturated to its French milieu. Gracious and aristocratic, he has many friends of note from upper social and financial circles. He has no obvious reason to be concerned with Jewish identification, and, like Proust himself, is only partly Jewish, personifying a kind of *dédoublement*, a mixture of Jewish and non-Jewish heredity. Although furthest removed from everything that is Jewish, he is at least an unaffected human being, with no unnatural airs.

Interestingly, there are important changes that take place in both Bloch and Swann. These are best viewed in that part of Proust's episodic novel that is entitled *Le Temps Retrouvé* (Time Regained, 1927). Bloch gradually becomes more tactful, but changes his name to one that is French, and his physical appearance assumes a British elegance. And, not surprisingly, his daughter marries a Catholic. Swann, on the other hand, in the twilight of his life, reveals both an exterior and interior change. He is convinced of the innocence of Dreyfus, and he feels outraged by the injustices suffered by that innocent man. Though hardly conscious until then of his Jewish origins or of any solidarity with the Jews, he suddenly discovers his lost connecting link with his Jewish past. He has recovered his ancestry, while Bloch, on the other hand, inauthentic human being that he is, has destroyed and lost his.

1. Hereafter, the titles of the works by Crémieux will be designated by the initials, as indicated: *Le Premier de la classe* (Grasset, 1921) will be referred to as *PC*; "Un Juif, celui-là" (*NRF*, July-December 1934) as *J*; "Le Juif dans la littérature française" (*Revue juive de Genève*, Jan. 1937), as *JL*; *Du côté de Marcel Proust* (Lemargat, 1929), as *DC*. Where necessary, the title *XX^e Siècle* (Gallimard, 1924) will be repeated.

In this connection, a critic, quoting a remark by Proust, aptly states that what brings Jews together “is not community of opinions, but consanguinity of mind.”² Clearly, this assertion explains the changes in Swann’s attitude and behavior. Though socially and culturally French, he, at least, unlike the completely inauthentic Bloch, testifies to the continuing Jewish consciousness of those who are assimilated. One important point should be added, however. Though at the end of this long novel Proust shows the transformation of French society and the fusing of the two originally distinct social groups (*côtés*) as a result of the Dreyfus Affair and of the War of 1914, a similar transformation does not apply in the case of the Jew. The situation of the Jew, then as now, has not really changed. He has not, in truth, been fully accepted or integrated into French society. Feelings of difference have not been abolished, and the creation of a mythic brotherhood has not taken place. In a word, anti-Semitism, colored by its racial, nationalistic, and cultural prejudices, still prevails. This fact must be taken into account if one wishes to perceive clearly the role of the assimilated Jew, particularly as seen by Crémieux.

3.

A full understanding of the assimilated Jew requires that one be aware of the mythology created by anti-Semitism. While there is much evidence to support Crémieux’s personal and cultural identification as a French assimilated Jew, there is also sufficient proof of his awareness and consciousness of anti-Semitism, even before his involvement with the writings and thought of Proust. Already in 1921, when he wrote his poetized autobiographical novel (*PC*), which includes a Passover celebration, he relates an encounter between Jean Renaud, the narrator, and Fernand Blum, his Jewish friend. The latter, in response to Jean’s plea for self-sacrifice and martyrdom, if need be, to liberate Occitanie, in southern France, from the rest of France, in order to free it from its “enslavement,” and regain its original Kingdom and pride, refuses to join him. His refusal elicits from Jean the spontaneous and insulting epithet of “dirty Jew” (*Ibid.*, p. 248)!

Continuing in the same process of thought, Crémieux, in an important survey of the Jewish portrait in French literature (*JL*) which he wrote in the Thirties, traces in detail the influences of Renan, of the nationalistic Maurice Barrès, of the anti-Semitic Drumont, and of the Dreyfus Affair, all of which, as he asserts, contributed to anti-Jewish sentiment and the conviction that the Jew was a traitor. As implied by all of these writers, as well as by Maurice Donnay and the Frères Tharaud, the Jew was simply to

2. Georges Cattaui, “Marcel Proust and the Jews,” *The Jewish Review*, No. 3 (Dec. 1932–March 1933): 67.

All translations and paraphrasing of French texts are mine.

be regarded as unpatriotic. All of this, it need not here be underlined, revealed to Crémieux different elements of anti-Semitism.

4.

What brings out in perhaps boldest relief Crémieux's personal reactions to anti-Semitism is his polemic (*J*) with Charles Maurras, that took place during the Thirties. Maurras denounced Crémieux, whom he attempted to humiliate by his use of several terms, all of which, in one form or another, characterize him as a Jew and as the "stranger," as one who is unpatriotic. To taunt him further, and to emphasize Crémieux's lack of patriotism, Maurras used the age-old method of accusation by association. "Are you not related," he asked, "to Isaac-Moïse Adolphe Crémieux" who, he reminds his correspondent, was responsible for the French citizenship that had been granted to the Jews of Algeria,³ and who, as he unjustly adds, showed no concern when France was faced with the dangers of 1870 (*Ibid.*, p. 103). In the latter instance, of course, he was referring to the Franco-Prussian war. Hurt to the quick, Crémieux first reminded Maurras of the fact that his family had settled in France as early as the fourteenth century and had become fully integrated as Frenchmen. Urged on, too, by the feeling that he had to prove his worthiness both as Jew and Frenchman, Crémieux readily admitted his relationship to his distant cousin, Adolphe, and he also retorted with a stinging question of his own: "Should one forget," he asked, "the role played by the *Alliance israélite universelle*, which maintained and propagated French influence and culture in the Orient"?⁴ Is not the Jew legitimately entitled to be considered a full-fledged Frenchman since he, too, like other Frenchmen, had always fulfilled his social and patriotic duties and obligations to the Government Treasury, and had also paid with his blood? Crémieux finally concluded his discussion with Maurras by accusing the latter of invoking second-class citizenship for French Jews, similar to what was being done in Nazi Germany (*Ibid.*, p. 104). Underscoring other facts that give evidence of Jewish loyalty to France, he added bitterly that one would be tempted to ridicule and dismiss all of the accusations levelled by Maurras, if only the precedent set by Hitlerian Germany had not already

3. It may be of interest to note that, historically, Adolphe Crémieux, a lawyer, and distant relative of Benjamin Crémieux, did obtain French citizenship for Algerian Jews in 1870. This, however, was the logical result of the promulgation of the 1865 decree, before the Franco-Prussian War, by the Emile Ollivier Ministry. A brother of Adolphe, Gaston Crémieux, was killed during the Paris Commune in 1871.

4. The *Alliance israélite universelle* was organized and established in 1860, largely through the efforts of Adolphe Crémieux and others. Its existence came about only after a series of outrageous libels and injustices suffered by the Jews in Europe and Damascus and one of its many objects was to spread French culture among the less-advanced Jewish communities of the world.

taken place (Ibid., p. 107-108). After all, Hitler had been in power since 1933!

5.

Crémieux continued to cling apologetically to his propensity for cultural assimilation, even stating accurately that the Jews in France did give constant evidence of assimilation during the nineteenth century,⁵ despite the lingering anti-Judaism of French socialism, which attributed economic as well as ethnic traits to them. Nevertheless, Crémieux was compelled to admit that the situation of the Jew had to be viewed within the framework of a pervasive anti-Semitism evident everywhere. In view of this fact, he now affirmed, the only solution for the Jew was to be found in Zionism. His rationalization for his new position was that Jews were "tired of being regarded both from the civil and ethical point of view as second-class citizens (*J*, p. 108)." The uneasiness of the assimilatory process, as reflected in anti-Semitism, caused him to be spurred on by a sense of Jewish pride, which, he was convinced, could be found only in Jewish nationalism.

Crémieux's vague, temporary, and new commitment to Zionism, it is to be noted, also bears a certain relationship to the ideological evolution evidenced in Bernard Lazare, André Spire, and other assimilated Jews of his time. Both Lazare and Spire, loyal to their French and universalist convictions, came to espouse Jewish nationalism and Jewish identification basically as a result of the Dreyfus Affair with its anti-Semitism, and their belief that the Jew was everywhere *persona non grata*. Spire, in particular, in his poem, "Assimilation" (*Poèmes Juifs*, 1908), vigorously cautions the Jew against assimilation, since it will in no way facilitate his acceptance by French or any other society. In this poem he even satirizes the assimilated Jew who is happy because his nose, hair, shape of head, and gestures, begin to resemble those of the non-Jew. He more than implies here that the Jew should be true to himself, and not sacrifice his identity to the illusion of assimilation.

In any case, it is quite clear that Crémieux, both preoccupied and shaken by the problem of assimilation because of anti-Semitism, experienced a kind of Jewish identity crisis which manifested itself in his disillusionment with the results of the French Revolution. The emancipation of the Jew did not, historically speaking, as he now realized, lessen the hostility toward the Jew. And, he asked, how was it possible to believe in French

5. A dramatic example of this fact is seen in the unfavorable reaction of those Parisian Jews who witnessed the performance of Dumas' play, *La Femme de Claude* (Claude's Wife), in 1873. Those who felt quite comfortable as residents of France and fully assimilated to French culture resented Dumas' advocacy of a Jewish State for the eternally persecuted, as expressed in the Preface to the play. Those Jews felt no inclination to leave France. In this connection, see my article, "Dumas' *filis*: Forerunner of Zionism," *Nineteenth Century French Studies*, vol. 13, Nos. 2 & 3 (Winter-Spring 1985): 105-112.

egalitarian principles if the Jew still remained a "stranger" and a second class citizen? Could the Jew, finally, be integrated, *qua* Jew, into French society? The assimilated Jew that he was could find no immediate satisfactory answer to this question.

6.

Conscious of his identity crisis, torn between his ideals, cultural affiliations, identification with France, and the obvious rejection of the Jew as evidenced by the assimilatory society, Crémieux proceeded now to evolve a new theory, one which may be described as idealistic, utopian, and universalist. In effect, it applied not uniquely to the Jews, but, rather, to all humanity. Crémieux now chose international assimilation instead of assimilation into one nation.

This new and final theory of his has also been characterized as a "new humanism," a philosophy which is embodied in the term *certitude*. With this term, Crémieux suggested a formula of collective values that concern themselves essentially with social and political problems. It projects a positive and collective ideal that would satisfy man's desire for a life that is filled with meaning and vitality in the pursuit of the common good and justice. It is a search for fundamental man, for permanent values and necessities that would link all of humanity. Referring to this proposed solution as a "reconstruction," one which would remedy the pessimism of the postwar generation, Crémieux believed that it represented a global or total vision of man. In this way, too, he hoped that differences between races, nations, and ethnic groups would be minimized and made more understandable.⁶ To implement this ideal, he urged a reliance on what he calls the *esprit européen*, which he identified as a "collectivism *à la française* with an individualistic basis," best exemplified, according to him, by France. This approach, as he goes on to explain, would give a special meaning to that which is associated with "the stranger," and would naturally include recognition of the Jew as part of the human race. Theoretically, at least, the Jew would thus be absorbed into the totality and anonymity of the whole, and would be able at the same time to affirm his personal allegiance to his Jewishness.

7.

Reaching out now to all humanity, Jew and non-Jew alike, instead of depending on France alone, Crémieux's wish, which reflects his assimilationist ideal, and as expressed in his autobiographical novel (*PC*), was "to bring happiness to all." But, ironically, too, it should be added, the idea of martyrdom is one that also frequently recurs in this early autobiography.

6. These ideas, and their development, are found in his *Inventaires: Inquiétude et Reconstruction: Essai sur la littérature d'après guerre* (Corréa, 1931).

How tragically prophetic this was to be can only be realized when one takes into account the way in which Crémieux was fated to experience the last days of his life. In 1941, he found himself in Geneva, where he could have remained, had he not decided to return to France in order to join the Resistance. The occasion for being in Geneva was a lecture that he was delivering on one of his favorite subjects dealing with the French theater. According to Marcel Raymond, when Crémieux uttered the first words of his lecture, "sobs shook him for a moment and forced him to interrupt it as he pronounced the words 'France' and 'liberty'."⁷

Not too surprisingly, it may be added, despite Crémieux's undying feelings about the French and their determination to resist and overcome the enemy, fate decreed that he be among the victims of the Holocaust. In April, 1943, in Marseilles, two Gestapo agents arrested him and he was subsequently imprisoned, and then transferred to Drancy and Compi-ègne. In January, 1944, he was deported to Germany where, a few months later, he died in Buchenwald. His death, one can at least speculate, might have been avoided if he had only remained in Switzerland when the opportunity presented itself. His strong feelings of patriotism and love for his country, however, compelled him to join other Frenchmen in the Resistance in an ultimate expression of self-sacrifice and devotion to France.

At the same time, one should not overlook the fact that he was joining all other Jews of his generation who had perished in the Holocaust. The tragic irony of his death is that, through it, he was destined to give dramatic meaning to his Jewish identity. He had, indeed, frequently given much evidence of his sense of pride in the cultural, religious, and spiritual past of the Jews. His numerous reviews of books dealing with Jewish subjects that appeared in several periodicals, and which suggest his concern with Judaism and Jewish history, give vivid testimony to this fact. Moreover, from a theological, if not philosophical, point of view, it may also be asserted that his faith and optimism in the human race, already referred to, personify the celebration and joy of living, an outlook that is essentially Jewish. But his attempt to be accepted as a Frenchman, while identifying as a Jew, proved to be, as already indicated, not fully successful. This was also to be the experience of many other assimilated Jews of his time. And while Spire and Lazare, for example, were fortunate enough not to suffer the fate of Crémieux, they, too, finally comprehended the full significance of the position of the Jew in Christian society.

8.

On balance, then, it can safely be asserted that Crémieux, unlike the Proustian bloch, whose Jewish anti-Semitism and self-hatred he denounced, had never abjured his Jewish background or denied his Jew-

7. Marcel Raymond, "Benjamin Crémieux," *Lettres* (Geneva: 1 (1945): 77-81.

ish identity. Indeed, he raised the banner of Jewish pride and identification by facing squarely the imperative to endure the struggle for existence and the brunt of anti-Semitism. At the same time he personified to the very end the assimilated Jew whose loyalty to, and love of, France never wavered, and whose cultural and social identification with everything French was an integral part of his human soul. Yet, it must be admitted, he was never totally assimilated, since, as a Jew, he remained, as clearly indicated in his polemic with Maurras, not completely indistinguishable from those in whose culture he found himself. Clearly, too, as a "hyphenated" Jew, faithful both to his Jewish ancestry and to his adopted country, he was very much aware of the realities of history, and of the ever-prevalent anti-Semitism which, in the final analysis, rejected the Jew and made total assimilation impossible. Crémieux had no need, furthermore, to be reminded of this truth, having lived during the time of the Dreyfus Affair, and having come, even during his lifetime, face to face with the cruelties of Nazism. Indeed, as he learned, there are definite limits to assimilation of the Jew in Gentile society, the positive results of which leave much to be desired. This lesson, it need hardly be repeated, can generally be applied by all thoughtful Jews everywhere. In the end, assimilation is really only a matter of degree. Even Swann, perhaps the most prominent Jewish character in Proust, who reaches almost a perfect point of assimilation, and who is viewed by Crémieux with equanimity, undergoes, in his evolution, the drama of the assimilated Jew who refuses to be ashamed of being Jewish. When brought to the realization that, during the Dreyfus Affair, the Jew was the object of injustice and anti-Jewish feeling, Swann felt a sudden surge of pride in his link with the Jewish historical past and, perhaps, even unbeknownst to himself, his own assimilation was also limited. Though his assimilation obviously differs, to a degree, from that of Crémieux, it does clearly reveal the insurmountable limits of assimilation common to the Jew of the Diaspora.

The Theme of Responsibility in Bernard Malamud's "The Mourners"

IRVING HALPERIN

ONE EVENING IN THE EARLY 60S, HERB WILNER, my friend and colleague at San Francisco State, and I met Bernard Malamud. We strolled the streets of North Beach and then sat in a cafe. The three of us, two transplanted Brooklynites and I, an ex-Chicagoan, spoke of our lives in the Bay Area and in Corvallis, Oregon, where for many years Malamud had taught composition and literature courses at Oregon State University while writing his *The Magic Barrel* stories and *The Assistant*. Malamud and Herb exchanged recollections of the public schools that they had attended in Brooklyn. They casually alluded to P. S. number this and P. S. number that, designations which sounded quaint to this Midwesterner; in Chicago we simply called public schools by their proper names. At one point, Malamud indicated that he had read some of Herb's published short stories and admired them.

My essential impression of Malamud was entirely unlike what I had anticipated would be his public presence. For I had expected to find him witty and *haimish* (after all, the three of us, as the sons of East European Jewish immigrant grocers, had lived in the back of, and over, our parents' stores). Instead, I observed a reserved, scholarly-looking man, rather professorial in manner, who spoke in spare, measured language of Grecian mythology and Christian symbolism. He seemed a complicated person whose somber exterior revealed the effects of a long cloistered, severely disciplined life in the study, a relentless Sisyphean struggle not unlike the one described by the distinguished writer, Lonoff, in Philip Roth's *The Ghost Writer*. [Roth and Malamud were friends, and it is thought that the latter, given his reputation as a painstaking writer, was the model for the portrayal of Lonoff.]

"I turn sentences around. That's my life. I write a sentence and then I turn it around. Then I look at it and I turn it around again. Then I have lunch. Then I come back in and write another sentence. Then I read the two sentences over and turn them around. Then I lie down on my sofa and think. Then I get up and throw them out and start from the beginning. And if I knock off this routine for as long as a day, I'm frantic with boredom and a sense of waste."

IRVING HALPERIN is Professor of English and creative writing at San Francisco State University.

This passage may be linked to Malamud's stated view that a work is never really completed — it is abandoned.

On that evening in the cafe it was not difficult to make a connection between Malamud's concise, focused conversational style and his gift for economically structured scenes rendered in compressed prose; as, for example, in his story, "Take Pity," when two characters are speaking about a mutual friend:

Davidov made a note. "How did he die?"
 "On this I'm not an expert," Rosen replied. "You know better than me."

"How did he die?" Davidov spoke impatiently. "Say in one word."

"From what he died? — he died that's all."

"Answer, please, this question."

"Broke in him something. That's how."

"Broke what?"

"Broke what breaks. He was talking to me how bitter was his life, and he touched me on my sleeve to say something else, but the next minute his face got small and he fell down dead, the wife screaming, the little girls crying that it made in my heart pain. I am myself a sick man and when I saw him lying on the floor, I said to myself, 'Rosen, say good-bye, this guy is finished.' So I said it."

This passage contains some primary features of Malamud's art: rapid pace; compressed dialogue; tense and volatile emotions conveyed in a flat, controlled tone; sentences which are laconically exact versions of the subject matter.

On the whole, our conversation in the cafe went well. Malamud was direct, unpretentious, amiable, and I think he liked us. After an hour or so, he got up and left; neither Herb, who died in 1977, nor I would see him again. Malamud died in March of 1986, leaving a valuable legacy to decades of his readers.

* * *

What, briefly, are some elements of that legacy? For one, much can be learned from his uses of the moral imagination. Throughout his literary career, he was engaged in a religious-like enterprise to dramatize the importance of heartfelt moral values. Not that he was a "messages-lessons" writer; for as he himself once stated in an interview, "The best art contains a marvelous combination of the esthetic with the moral." And he added:

"It means a great deal to me to be able to invent what one would call a life that is valued. And to do it in such a way that it is not a preachment of any kind, but rather a form of esthetic — that it becomes an esthetic in itself. In other words, one creates beauty and feeling at the same time he creates value, that value which we call morality . . . Morality, obviously, is not effective without feeling. Where I feel myself gifted is to feel the moral act and to be moved by the moral imagination."

Another element of Malamud's legacy is that his work encompasses

both ethnic and universal concerns. He wrote about Jews because, in his own words, he was “comfortable with them,” because he admired their “awareness, responsibility, intellectuality.” Ultimately, his subject matter may be perceived as a mix of Jewish particularism and non-denominationalism; indeed, he saw Jewish history as a metaphor for the fate of all men. Hence the epigraph in *Idiot's First*: “All men are Jews.” Or, as he stated this belief differently in an interview:

I try to see the Jew as universal man. Every man is a Jew though he may not know it. Jewish drama is prototypically a symbol of the fight for existence in the highest possible human terms.

What I especially value is Malamud's treatment of the theme of responsibility; that is, the moral imperative for a person to respond responsibly to the humanity in another. Of course this familiar theme appears in innumerable novels and short stories by other authors, but in Malamud's fiction it takes on a distinctive radiance. And nowhere else in his work is this subject matter more powerfully rendered than in one of his finest stories, “The Mourners,” a work that Malamud himself must have thought well of because he chose it alone to read for a Library of Congress recording. Through the following explication of this story, I should like to pay homage to the memory of a great writer.

* * *

The essential method of “The Mourners” is a process whereby the two protagonists are led to a spiritual transformation. The story gets underway in typically taut, unencumbered Malamudian prose. We quickly learn, as early as the first paragraph, that Kessler, a retired egg candler, had abandoned his young wife and three children some thirty years before, and that since then he has not attempted to contact them, or even to learn whether they are alive. For ten years he has occupied a small, dismal flat on the fifth floor of a decrepit tenement on the East Side of New York. Difficult and quarrelsome, he keeps apart from his neighbors who, in turn, shun him. It seems that he has a filthy, smelly flat, and this condition so vexes the tenement's janitor that he complains to Gruber, the landlord, who then orders his janitor to give Kessler notice. Gruber (the name evokes the Yiddish term for coarse, *grubber yung*) does not feel that he is under any obligation to his elderly tenant, even though the latter has resided in the building for ten years. Kessler “makes dirt” and, consequently, threatens Gruber's monetary investment. Moreover, Gruber has in mind that, with the departure of this tenant, the flat can be rented out for five dollars more than Kessler is paying. Clearly, the landlord is indifferent to the traditional principle that all Jews are responsible for one another. It is ironic, we realize, that Gruber is so concerned with *shmutz* (dirt) when he himself is a fat man who wears yards of baggy clothes and mops himself with a perspiration-stained handkerchief — baggy clothes,

yellowish handkerchief, precise and palpable details, the lifeblood of good fiction.

Representative of Malamud's ear for immigrant English is the janitor's ultimatum to Kessler: "Mr. Gruber says to give notice. We don't want you around here. Your dirt stinks the whole house." In depicting Kessler's response, Malamud leaves out what a second-rate writer might well have put in, an obvious explanatory statement to the effect that Kessler is terrified. How, then, is this moment rendered? We see that Kessler looks "like a corpse adjusting his coffin lid." And on the heels of this disquieting image, when the old man begins shouting imprecations at the janitor, we are informed that Kessler's eyes were "reddened, his cheeks sunken, and his wisp of beard moved agitatedly. He seemed to be losing weight as he shouted." Rather than have the narrator explicitly tell us about Kessler's inner state, it is much better conveyed from the outside, through specification of the tenant's physiognomy. "He seemed to be losing weight as he shouted." A sentence which bodies forth Malamud's idiosyncratic angle of vision, a most informative vision because it acquaints us with people who are markedly different from ourselves; a vision which has produced some of the most original American fiction in the last three decades.

Much of the story's most effective dialogue — dialogue which may be paraphrased only at the risk of erosion — occurs after Kessler refuses to leave and barricades his door, and then Gruber, still indifferent to the old man's pain, storms into his tenant's flat, shouting, "I want you to scram outa here. Move out or I'll telephone the city marshal." When Kessler starts to reply, the other cuts him short: "Don't bother me with your lousy excuses, just beat it." Surveying the dimly-lit flat, the landlord says, "It looks like a junk shop and it smells like a toilet." To which affront Kessler pleads. "The smell is only cabbage that I am cooking for my supper. Wait, I'll open a window and it will go away." "When you go away, it'll go away," Gruber says, in what sounds to this reader like Talmudic sing-song, probably intentional on Malamud's part. Kessler's cry, "I didn't do nothing, and I will stay here," elicits Gruber's threat: "If you're not out by the fifteenth, I will personally throw you out on your bony ass." The deft use of the adjective "bony" to reveal further Gruber's vulgarity supports Mark Twain's inimitable declaration that "the difference between the almost right word and the right one is the difference between a lightning bug and lightning."

A few days later, the marshal and his assistants, holding the old man by his "skinny legs" (the adjective here suggests not only Kessler's helplessness but also Malamud's empathy for his character's ordeal), remove the old man and deposit him and his furniture on the sidewalk before the tenement. There, while it rains and then snows, Kessler sits, looking like — and here an appropriate simile brackets this recluse's misery — "a piece of dispossessed goods." Precisely at this juncture there is a turning point in Kessler's situation. It occurs after he is involuntarily prodded to take an

initial step toward what eventually will be his inner transformation. But for the reader this unexpected development is not readily discernible. By not disclosing what he knows of the emergent change in Kessler, the narrator piques our curiosity. In any event, the old man probably would have continued to sit there had it not been for the intervention of an elderly Italian woman whose flat adjoins Kessler's. Outraged, perhaps seeing herself as a potential victim of Gruber's, she keeps shrieking until finally her two sons and another neighbor carry Kessler and his belongings back up to the evicted man's flat, where the old man sits on his bed and weeps. Then the Italian woman, in a gesture of nurturing, makes her devastated neighbor a plate of hot macaroni, which subsequently is described as "stifened," probably to suggest Kessler's death-in-life existence.

Furious at this defiant action by his tenants, Gruber again barges into Kessler's flat and threatens the old man with arrest. Weeping bitterly and hitting his chest with his fist, Kessler bursts out, "What did I do to you? Who throws out of his house a man that he lived there ten years and pays every month on time his rent? What did I do, tell me? Who hurts a man without a reason? Are you a Hitler or a Jew?" A cry that, in another context, evokes one of the most memorable scenes in *The Assistant*: when Morris Bober, whose life exemplifies the Jewish ethic of *mentshlekhhkayt*, says to his employee, Frank Alpine: "Our life is hard enough. Why should we hurt somebody else? For everybody should be the best, not only for you or me. We ain't animals."

Kessler's question, "Are you a Hittler or a Jew?", underscores the story's theme: Gruber can continue to be a tormentor or he can assume responsibility for his tenant. But the landlord does not respond to this question and leaves the flat in anger. Still, Kessler's agony has finally, albeit only partially, reached Gruber. We surmise this through some clues that the narrator gives us: specifically, when Kessler is weeping and striking his chest, Gruber removes his hat and listens "carefully" to the other's plaint; also, the next morning he decides to speak to Kessler again and offer to get him into a public home.

A master of building narrative tension, Malamud heightens the conflict between the two men when, on the next morning, Gruber, this time prepared to take a conciliatory stance, reenters Kessler's flat to find the old man sitting, without shoes, on the bedroom floor. "There he sat, white from fasting, rocking back and forth, his beard dwindled to a shade of itself." Why the *shiva* position? the reader, abruptly thrown off balance, wonders.

Here the narrator enters directly into Kessler's mind, and we learn that the latter is feeling excruciating remorse for having abandoned his family. "How, in so short a life, could a man do so much wrong? This thought smote him to the heart and he recalled the past without end and moaned and tore at his flesh with his fingernails." Now the narrator informs us, in a succinct sentence, that Kessler first began to feel remorse-

ful when, after his eviction, he was sitting on the sidewalk. In presenting this picture of Kessler's anguish, the narrator avoids being explicit — the kind of explicitness which is anathema to fiction — about why this change of heart has occurred now; the explanation is left to the reader's intelligence, and we deduce that what long had been repressed and frozen in Kessler has been penetrated by his neighbors' humane act.

Troubled, frightened, Gruber at first does not know what to make of Kessler's behavior. He considers leaving, escaping from the oppressive sight of the old man. But then all at once he is struck with the recognition that "the mourner was mourning him; it was *he* who was dead." Meaning, the narrator compels us to recognize, spiritually dead. Now it is Gruber's turn to be in pain. "Sweating brutally, he felt an enormous weight in him that slowly forced itself up, until his head was at the point of bursting. For a full minute he awaited a stroke; but the feeling painfully passed, leaving him miserable."

Presently looking around the room, Gruber suddenly — curiously, at first the reader thinks — experiences it as "clean, drenched in daylight and fragrance." How can this be, since until then the flat had been depicted as badly lit and malodorous? The explanation points up the magic of Malamud's artistry, the kind of magic that sustains the passion of reading: the words "daylight" and "fragrance" can be seen as objective correlatives for Gruber's transformation. Now, in the story's last sentence, Gruber, feeling intense shame for his treatment of his tenant, snatches the sheet from Kessler's bed and, as though wrapping himself in sackcloth, wraps it around his body, sinks to the floor and becomes a mourner. Which is to say, he becomes a *mentsh*.

From the vantage point of this conclusive ending, we can retrospectively see how the story has travelled, how its narrative structure has been formed by the movement of the landlord and his tenant toward a spiritual transformation. The awakened conscience of Kessler and Gruber binds them to Jewish tradition and, by extension, to mankind, as implied by the epigraph of *Idiot's First*: "All men are Jews." Finally, "The Mourners" is a convincing demonstration of Malamud's assertion that the "best art contains a marvelous combination of the esthetic with the moral."

* * *

As a youth in Brooklyn, Malamud liked to tell stories to his friends. He remembered that his immigrant father, on overhearing one such story, interrupted it, inquiring in Yiddish, "*Vus hoks du mir a cheinik?*" (-What tune are you banging on your pot?). Well, if we do not know what tune he banged out then, what we do know is that for over thirty years, from the time of his first published story in 1950 until his death, he wrote many enduring tunes. They leave us in his debt. We are indebted to him even for the quality of our sorrow at his loss.

Three Talmudic Tales of Seduction

M. HERSCHEL LEVINE

I. The Disguised Wife

WHILE MOST PEOPLE VIEW THE TALMUD AS A hair-splitting compendium of legalistic casuistry, others who delve into its pages discover a motherlode of folklore and psychological insights into human nature. An analysis of three stories found in the Aggadah, or narrative portion of the Talmud, will reveal much about male fears of women or the age-old battle of the sexes.

Having a monastic fear of succumbing to his sexual appetites, a Talmudic sage, Rabbi Hiyya, would often pray that "the merciful Lord should save him from his evil inclination."¹ Consequently, he refrained from having sexual relations with his wife for several years. Deeply frustrated, his wife disguised herself as a suggestively dressed wanton woman and appeared before her husband, who was engrossed in his studies while sitting in the family garden. Not recognizing his own spouse, the Rabbi asked who she was. Flaunting her charms, the woman replied, "I am a courtesan, who has just returned to my home town." Suddenly, the pious man felt so aroused that he asked what her harlot's fee was. She replied, "The pomegranate atop the nearby tree." Endowed with almost superhuman energy, he leaped to the uppermost bough, seized the fruit and pushed it into her hands . . .

When the episode was over he lay on the ground and wept, apparently overcome with remorse. The "courtesan" had vanished as mysteriously as she had appeared. Almost blinded by his tears, the sage made his way back to his home where he discovered his modestly clad wife kindling a fire to cook their dinner. Still in a state of shock at the enormity of his "crime," he climbed into the stove and evidently perished there, consumed, ironically, by the flames that his wife had kindled.²

On one level this odd story might be a form of admonition to Torah

1. R. Hiyya bar Ashi was a disciple of Rav, (Abba Arikha) a Babylonian sage of the first half of the third century C.E.

2. A somewhat different account is found in *Qiddushin* 81 b of the Babylonian Talmud (B.T.). However, the version given here is based on manuscript readings from the Vatican and Munich libraries and an early printed edition published in Guadalajara. The passage is discussed in Yonah Fraenkel's article in *Proceedings of the Seventh World Congress of Jewish Studies* III, pp. 59-61. For manuscript references see especially p. 59 n.66.

It should be noted that in almost all other printed editions extant, R. Hiyya somehow emerges from the oven alive but later dies of remorse for his "supposed" sin. Fraenkel concludes that the original narrator was sufficiently self-confident to tell

M. HERSCHEL LEVINE is Professor of English at Eastern Connecticut State University.

scholars who left their homes and spouses for periods as long as thirteen years to study at distant academies or Yeshivot, while their unfortunate wives had to fend for themselves and raise the children. Needless to say, the wives' physical desires were left unsated.³

On a higher and more universal level, however, this shocking account, probably apocryphal, can perhaps be understood as the revenge of Eros. The Greek tragedian, Euripides, explores this theme in both *Hippolytus* and *The Bacchae*. The hero of the former play, the prudish and celibate son of Theseus, is punished by Aphrodite, Goddess of Love, for his denial of sexuality when, as he is driving his chariot along the shore, a giant bull rises from the sea, so terrifying his horses that they bolt and drag him to his death. Some critics view the bull as a symbol of the destructive force of suppressed sexual drives.

In similar fashion, *The Bacchae* tells of the punishment meted out to Pentheus, who tried in vain to proscribe the worship of Dionysus. After acquiring an urge to witness the rites of the Maenads, or followers of Dionysus, Pentheus disguises himself as a woman, but is discovered and is torn to pieces by the frenzied devotees. Those who attempt to stifle the life-force of the powers of nature are bound to be torn apart by the mysterious and powerful drives embedded in their own being.⁴

The curious Talmudic narrative concerning the wife's disguise as a courtesan is foreshadowed by the biblical story of Judah and Tamar.⁵ There, however, Tamar, yearning for progeny, seduces her father-in-law by posing as a harlot. The motif of the bed-trick or of the wife having relations with her husband while she is disguised is found in sources as varied as the *Decameron*, ancient Indian tales and Near Eastern stories from Morocco and Tangiers.

An outstanding Israeli folklorist, Galit Hazan-Rokem,⁶ maintains that the psychological basis for the woman's masking is her secret desire to enjoy illicit romance while legally wedded. Her husband, too, shares the excitement of an extramarital affair.⁷

Perhaps the best explanation of the exotic Talmudic anecdote was

his audience that a Talmudic sage was actually burned to death for his transgression or that he committed suicide to punish himself. Later editors could not accept this disturbing outcome and "softened" the account by rescuing R. Hiyya from a horrible fate.

3. For a fuller discussion of this problem see Yonah Fraenkel, *Studies in the Spiritual Background of the Aggadic Tale*, (Hebrew)(Jerusalem, 1981), pp. 99-115.

4. Cedric Whitman, in *Reader's Encyclopedia of World Drama*, ed. John Gassner, (New York 1969), p. 380. Dr. Robert Gordis reminded me that, in the legend of Europa, the bull plays a sexual role.

5. Genesis 28.

6. Galit Hazan-Rokem, "The Proverb As a Key to Plot Complexity" (Hebrew) in *Studies in Aggadah and Jewish Folklore* (Jerusalem, 1983), pp. 316-39.

7. Ibid.

offered by Professor Yonah Fraenkel,⁸ of the Hebrew University, who interprets the episode as a reaction to the mid-life crisis. Fearing that she is losing her sexual allure, the wife disguises herself as a younger and more attractive woman, hoping thereby to rekindle her husband's ardor. By casting a spell on her spouse, he will become re-invigorated and strong enough to leap to the height of a tall tree⁹ (a Freudian symbol?). The pomegranate, a sign of fertility, may also serve the function of binding her husband to her as in the ancient myth of Demeter and Persephone, when Pluto, the lord of the dead, before releasing Persephone gave her the seed of a pomegranate to guarantee that she would return to him.¹⁰

II. *The Beruriah Affair*¹¹

In this second perplexing tale of seduction, we are told that the noted Talmudic sage, Rabbi Meir, (flourished c. 130-160 C.E.) called by one of his contemporaries "a great man, a holy man and a modest man,"¹² was disturbed that his wife, Beruriah, scoffed at the rabbinic comment that "women are fickle or light-minded regarding morality."¹³ Determined to prove her wrong, Rabbi Meir decided to test his wife's virtue by persuading one of his disciples to try to seduce her. After "valiant" efforts, he got her to succumb. Later, however, when Beruriah discovered her husband's scheme, she was so mortified that she hanged herself. Meir, in turn, felt so guilty that he went into exile.

On many counts this tale seems to be completely incredible. First of all, how can any reasonable reader be expected to believe that a pious rabbi, no matter what the provocation, would dispatch one of his disciples to tempt his wife to commit adultery and thereby have both her and his student violate a key commandment? Moreover, the reason for Meir's exile was very likely the fierce controversy over the religious leadership of the Jewish community in Palestine which grew so heated that Meir was close to being excommunicated.¹⁴

Furthermore, Beruriah was the daughter of the martyred Rabbi Hananiah, who was burned at the stake by the Romans for teaching the Torah, despite their edicts which forbade it.¹⁵ In her own right, Beruriah was very learned in Talmudic law and, in at least one case, her legal opin-

8. "The Structure of Talmudic Legends" (Hebrew) *Studies in Aggadah*, pp. 45-96.

9. In the *Song of Songs*, 7:8, climbing a tree is used as an indication of foreplay.

10. In "Hymn to Demeter," quoted in James Frazer, *The New Golden Bough*, Theodore Gaster, ed., (New York, 1964), p. 424.

11. The "Beruriah Affair" is alluded to in the Talmud, *Avodah Zarah* 18b. The version herein is the fuller one found in the commentary of Rabbi Solomon ben Isaac of Troyes, better known as Rashi (1040-1105) who drew upon talmudic sources.

12. JT *Berakhot* II. 5.

13. *Shabbat* 33b. and *Kiddushin* 80b.

14. JT *Moed Katan* III. 1.

15. *Avodah Zarah* 18a.

ion was accepted as superior to that of her male colleagues.¹⁶ Her religious and humane feelings were revealed by the fact that while her husband prayed for the destruction of sinners, she prayed, instead, for their repentance and overcoming of sin.¹⁷ Could any sensible individual conceive of such a saintly and scholarly woman committing adultery?

However, since no human is perfect, Beruriah had one failing, a sharp tongue; she could not suffer gladly those who had foolish views about women. Her biting retorts to those whom she regarded as male chauvinists may have led to her negative portrayal as a "fallen woman."¹⁸

In a fascinating article entitled "Women: Notes Toward Finding The Right Question," Cynthia Ozick explains the enigma of Beruriah:

The famously brilliant Beruriah, celebrated not only as the wife of Rabbi Meir, but also in her own right, was known to speak satirically of those rabbinic passages which make light of the intellect of women. To punish her for impudence, a rabbinic storyteller, bent on mischief toward intellectual women, re-invented Beruriah as a seductress. She comes down to us, then, twice notorious; first as a kind of blue-stockings and, again, as a licentious woman. There is no doubt that we are meant to see a connection between the two.¹⁹

While Ozick's view seems appealing, Schwartzbaum²⁰ argues that the Beruriah seduction episode is rooted in an ancient anti-feminist tradition found in Buddhist, Sanskrit and Greek sources. A close analogue to this tale is seen in the *Life of Secundus*, which goes back to at least the second century C.E. (the period of Rabbi Meir), and relates that Secundus was disturbed when he was told by a Misogynist: "Every woman can be bought: the chaste one is only she who escapes notice." Deciding to verify this opinion, Secundus determined to test his own mother's virtue. After being away from home for twenty years, he returned and posed as a cynic philosopher. He then bribed a maidservant to make an assignation for him with his own mother, who agreed to the arrangement for fifty gold pieces.

After going to his mother's bed-chamber and paying the agreed-upon fee, Secundus refrained from intercourse but revealed his identity and confessed that he was merely testing her chastity! She, (like Beruriah), was so deeply humiliated that she hanged herself. Remorsefully, Secundus went into seclusion and vowed to remain silent until the day of his death.

Strange as it may seem to us, this revolting story was very popular in antiquity and in the Middle Ages and was translated into Latin, Syrian, Armenian and Arabic. Since, however, the notion of mother-son incest was repulsive to he Jews, the Secundus story was toned down and Beru-

16. *Tosefta Kelim* 1, 6.

17. *Berakhot* 10a.

18. *Erubin* 83b.

19. *Forum* No. 35 (Jerusalem, 1979), pp. 43 ff.

20. *Studies in Aggadah and Jewish Folklore* (Jerusalem, 1983), pp. 66-71.

riah was supposedly seduced by a non-relative. It should be clear, therefore, concludes Schwartzbaum, that the Beruriah anecdote was not an invention of the Rabbis but was, rather, a “folk-legend rooted in ancient pre-rabbinic patterns.”

Oddly enough, the basis for male hatred of women, which is universal and has persisted in one form or another since history began, may be man’s fear of his own deep-seated and powerful emotions. “Men,” says James Hillman, “have never known what to do with the dark, material and passionate parts of themselves, except to cast it off and call it Eve.”

III. The Seduction That Never Was

A charming and revealing story of a supposed seduction was told about himself by the Talmudic sage, Abbaye (c. 279-339 C.E.) One day he overheard a man saying to a woman: “Let us arise early tomorrow morning and walk together to a town several miles distant.” Fearing that this was simply a ruse on the man’s part to get the woman out of town and to seduce her in some deserted area, Abbaye decided to follow them and “save” them from sin. But when they came to a forest in a swampy area, instead of engaging in a liaison, the two parted innocently, remarking how pleasant it had been to share each other’s company.

Abbaye then admitted to himself: “Had I been alone in a forest with her, my enemy (evil inclination) would have me compelled to seduce her.” At that point Abbaye realized that his puritanical pursuit of the couple was a mask for either his voyeuristic tendencies or even his illicit desires for a woman’s body. Filled with chagrin at the realization of his own unsavory drives, Abbaye stood at the edge of one of the bridges crossing the swamp, almost prepared to cast himself into its muddy waters when, suddenly, a mysterious old man appeared and calmed his troubled spirit by explaining to him, “The greater the man, the more powerful his evil inclination.” A sadder but wiser man, Abbaye returned to his home.

The authors of the Talmud may have included the story about Abbaye to counteract excessive puritanical views of sex as exhibited by Rabbi Hiyya in the account above. The point may be that even great people have strong urges and, therefore, others should not be so ashamed of their drives as to refrain from sexuality. At the same time, the Talmud warns against undue suspicion of other people’s motives, declaring that “he who maligns the righteous will suffer bodily ills” (*Yoma* 19 b). Moreover, implies the Talmud, one who is obsessed with the possible improprieties of others actually reveals his own evil thoughts.

While, on the surface, one can dismiss these three Talmudic tales as playful myths, a careful study will reveal that each one deals with important elements of the human psyche and sheds light on the role of sexuality, the hidden fears of the male and the hypocritical motives of would-be censors or “guardians” of morality.

The Scientific Study of Talmud

DAVID KRAEMER

STUDY HAS LONG BEEN A CENTRAL ACT OF religious expression and inspiration in Judaism. The Yeshiva, with its combination of piety and intellectual inquiry, has been the primary venue for pursuit of the word of God. In the company of the God-fearing, a (male) Jew could pass his days in a combination of prayer and Talmud Torah, and come — if the spirit moved him — tantalizingly close to recovering the experience of the revelation at Sinai. Though the demands were great, the reward was assured, and access could be found by any (male) Jew who was willing to assume the task. And, of course, the Yeshiva and its methods of study still beckon, as the growth of the *ba'al teshuva* Yeshiva testifies. The heart of the Jew — even the secular Jew — understands that this is the place where Judaism still “happens,” and though it might be mysterious, its mystery is not so great as to be forbidding. To the contrary, the mystery of the Yeshiva is a source of its beauty and its strength.

In contrast, “modern” scientific study of religious texts has generally been thought to offer esoteric entertainment for the scholarly few, but precious little of true meaning for those who are not involved in scholarship. What is worse — or so the common wisdom goes — this peculiar form of study not only fails to communicate religious inspiration (which, in any case, is not its intent), but often serves to destroy it instead. Why, according to this same wisdom, is this the case? Because the methods of scientific study are cold and exacting, its practitioners are dispassionate and uninspired, and the community that it serves is exclusive and self-selecting. As a result of this not entirely unfounded reputation, those institutions that espouse this method of study have failed, to a great extent, to win the commitment of their students to Talmud Torah as a life’s endeavor. In turn, the alienation of these students from text has meant that non-Orthodox Jews in general — for whom these students will be teachers — have no serious relationship with the varied texts of our tradition.

But the failure is not in the concerns of these methods of study themselves, nor even with those who practice them. Instead, there is somewhere a failure to communicate — a failure to communicate that the choice to devote one’s life to the study of a text, by whatever method, is a religious choice (why else would someone be crazy enough to give his/her life to something?), and a failure to illustrate the meaning that is imparted

DAVID KRAEMER is assistant professor of Talmud and Rabbinics at The Jewish Theological Seminary.

by scientific study, and which can be discovered in no other way. Those who employ these methods have taken for granted that by studying how our ancestors expressed their religious sentiments in their own contexts, we, in our context, would be similarly inspired. But we cannot make such assumptions; the point must be illustrated.

Let us take, as an example, the Babylonian Talmud — that text to which most of the time and energy in the Yeshiva is devoted. The Talmud has traditionally been understood to be the close — if not literal — record of the deliberations of the Babylonian (Persian) Rabbinic academies between the third and fifth centuries. The primary concern of these academies was the determination of the *halakhah* (law) through interpretation of the precepts described in the Mishnah (Palestine, c. 200 C.E.). Needless to say, this is no longer the view of modern scholarship.

The first question raised by modern study is whether there were academies in the proper sense at all.¹ True, such academies were described in Rabbinic histories written in a later period (the “Geonic,” from the Muslim conquest until the 11th century),² but these descriptions may be anachronistic retrojections from the Geonic experience. The Talmud itself seems to support a picture of scholarly circles that centered around certain respected teachers who were, however, not located in established institutions.³

The second problem is the question of “record.” Sensitivity to the composition of the text has demonstrated that the Talmud is a finely conceived literary document that employs many of the conventions of its literary genre. Legal traditions generally assume a literary form that was dictated by the Mishnah,⁴ and the uniformity of style of these traditions suggests that they cannot be literal records of original expressions.⁵ In addition, the larger composition of the text demonstrates a commitment to tripartite structuring,⁶ affinity for rhetorical questions, the borrowing of traditions from one context to another, and a willingness to create artificial argumentation.⁷ This being the case, it is of course impossible to speak of a literal (or even semi-literal) record.

1. For the conclusions suggested here, see David Goodblatt, *Rabbinic Instruction in Sasanian Babylonia* (Leiden: Brill, 1975).

2. See, e.g., *Iggeret Rav Sherira Gaon*.

3. This should not be taken to contradict the associations made in the Talmud between certain scholars and specific locations, such as Rav in Sura or Samuel in Nehardea. The point is that schools of study were dependent upon specific individuals, and did not survive independent of those personalities, as do colleges in our own day.

4. See D. Kraemer, *Stylistic Characteristics of Amoraic Literature*, Ph.D. dissertation, Jewish Theological Seminary of America, 1984, chapters 2-4.

5. See William Scott Green, “What is in a Name, The Problematic of Rabbinic ‘Biography’” in *Approaches to Ancient Judaism*, v. 1., W.S. Green, ed. (Missoula, Montana: Scholars Press, 1978), pp. 80-84.

6. See Shamma Friedman, “al derekh heker ha-sugya,” in *perek ha-isha rabba b'bavli* (New York: J.T.S.A., 1978), pp. 40-42.

7. See the introduction of D. Halivni to *megorot u'mesorot*, “moed” (Yoma-Hagiga), (New York: J.T.S.A., 1975), pp. 8-10.

More crucially, a major part of the Talmud is a non-attributed deliberation which, though traditionally assumed to be the contemporary discussion in the academy, has now been shown to be the interpretive work of later authors who were separated from the traditions upon which they comment by as many as 300 years or more.⁸ The agenda of these authors was, in part, to recover and preserve the traditions of their predecessors. But their innovation was far more significant than their conservation, and the period of their creative activity can now be spoken of as an independent era in the formation of the Talmud.

This picture, of course, greatly influences our understanding of the Talmudic text and its messages. Through attention to its chronological and literary development we are able to discover not only the development of many Jewish rituals and observances, but also the development of the Jewish psyche and Jewish ethical heart. A couple of examples should suffice to demonstrate this approach.

But before considering examples, a word of caution. Because of the elaborate nature of Talmudic discourse, discoveries of the sort described above require painstaking analysis — analysis that will be difficult to recreate in the space of this article. Nevertheless, illustration of the method is crucial, and the reader's patience will be necessary before we can realize the fruit of such an effort. Still, the insights we have promised can become available in this way alone.

In his study of the tenth chapter of tractate *Yevamot*, Shamma Friedman⁹ shows that the law of the Mishnah is changed, through a variety of methods, by later sages who considered its law to be unjust. The first Mishnah of that chapter describes a case in which a woman's husband travelled abroad, and witnesses came and reported that he had died. If she went ahead and remarried with permission, and her first husband then showed up, she must be divorced from both men, she may collect support from neither, and a great many other penalties follow. If, on the other hand, she married *without* permission, she may return to the first husband and none of the negative consequences are incurred. The reason for this difference is a simple legal one — marrying with permission is equated with performing the prohibited act (in this case, the second marriage) with intent, while marrying without permission is like performing the act mistakenly. Intended acts incur liability, unintended acts may not.

Of course, despite the legal justification, the law that derives from the

8. For a review of the relevant scholarship, see David Goodblatt, "The Babylonian Talmud," in *The Study of Ancient Judaism*, v. II, (New York: KTAV, 1981), pp. 155, 160-164. Halivni terms the sages of this period *Stammaim* ("stamma-d'gemara" being the term used by medieval Rabbis to speak of the anonymous gemara text. "Stam," in this context, is translated "anonymous"). The other scholars referred to by Goodblatt generally identify these sages with the Saboraim, on the basis of their understanding of R. Sherira Gaon's description of the Saboraic enterprise.

9. See Friedman, *Op. cit.*, pp. 47-59.

theory is patently unfair. If the woman takes the trouble to marry with legal permission, she is punished, but if she has remarried without taking that trouble, she is unaffected. Both the named sages of the Gemara (the Amoraim) and the later anonymous sages responded to this injustice by trying to change the law. The ways in which they did so, Friedman points out, are significantly different, and that difference is meaningful.

Amongst the Amoraim, Rav changes the law by declaring that the law of the first part of the Mishnah (“with permission”) is limited to a case where the initial report of his death had been by the account of only one witness, but if two witnesses have given the testimony, then she may stay married to the second husband. Samuel suggests that the law applies only where she does not deny that this returning man is her first husband, but if she claims that he is not her first husband (regardless of testimony), then her denial is confirmed. In both cases the law of the Mishnah is not denied outright, but it is restricted through limiting interpretation. The law of the Mishnah is, on its face, respected. The claim is made, however, that its intent is a limited one. In this way, both Rav and Samuel succeed in rendering the inequity of the Mishnah less onerous.

The anonymous author of the Gemara takes a radically different approach. He suggests that when the Mishnah speaks of remarrying “without permission,” it means that two witnesses (proper testimony) have come and, therefore, no permission of the court is required. For this reason, when the first husband reappears, she incurs no penalty. If she married “with permission,” on the other hand, it was because there was only one witness (inadequate testimony), and permission of the court was necessary before she could remarry. Nevertheless, this permission came with a hitch — since the testimony was invalid, she was marrying at her own risk. If her first husband showed up again, she would be penalized in the ways that the Mishnah describes.

This approach, too, responds to the inequity of the Mishnah, and actually succeeds in eliminating it. But it does so by turning the Mishnah on its head. Now “permission” means “conditional permission because full legal permission (proper testimony) could not be obtained,” while “without permission” means “without permission of the court because proper legal permission through genuine testimony was available.” The law is now just, but the plain meaning of the Mishnah is completely violated. What is the meaning of this approach, as compared to that of Rav and Samuel?¹⁰

Rav and Samuel, and the Amoraim in general, approached the Mishnah with extraordinary reverence. Being the record of the combined written and oral Torahs, the Mishnah was hallowed to an extent second only to Torah itself. When responding to it, therefore, much like

10. The analysis up to this point is Friedman’s. This question and the proposed answer are mine.

responding to Torah, reverence required (as much as possible) conservative interpretation; interpretation that respected the simple meaning of the text. This is not to say that radical interpretation could not be employed; it was (both for Scripture and Mishnah). But where there was an alternative, it was preferred.

For the anonymous Gemara, however, other considerations were equally crucial, and radical interpretation was, therefore, an everyday event. This is not to say that Mishnah was any less holy. But the relationship of these later sages with the holy was far more liberal. In this case, because of the ethical problems valued by the law of the Mishnah, the ethical element of the holy was permitted to take precedence. As a consequence, the letter of the holy text became a secondary concern.

Regarding the comment of Samuel (see above), Friedman suggests one further analysis that is worth highlighting. In its deliberation of Samuel's opinion, the Gemara quotes two traditions that speak of "any place where *the Torah* believed one witness"¹¹ (my emphasis)." But there are two major problems with the suggested parallel of these traditions to the case spoken of by Samuel: 1) it is not the Torah that believed a single witness here, but the Rabbis, who established this rule to assure that the woman would not be left unable to remarry; 2) the literal parallel suggested by the Gemara is so difficult that Rashi is forced to comment at great length, and is unable, in the end, to explain the text adequately. Friedman solves these difficulties by proposing that the problematic traditions are borrowed from elsewhere in the Gemara, where the texts are totally appropriate, and that the problem is caused because the editor here did not adapt the traditions to their new context. As far as it goes, this suggestion is extremely helpful; the source of the difficulty has been pinpointed.

But Friedman does not go on to consider the implications of this borrowing. Earlier, he had already shown another case of such borrowing, but in that instance the tradition was modified to meet the needs of its new context. Why was the same not done here? Why were traditions that originally commented on the *Torah's* intent when it (according to Rabbinic interpretation) permitted the testimony of a single witness (or even of a woman) not appropriately modified when they were used to illumine a case where it was the *Rabbis* who established the rule? If, in other instances, modifications were permitted, the absence of such modifications here, particularly when their absence creates such difficulties, must be deliberate. What, then, is the intent of the Gemara's author here?

We know well from elsewhere that the Rabbis laid claim to immense power for themselves, even when this assertion of power contradicted the law of the Torah.¹² Could it be that precisely this kind of assertion is

11. Such as here, where she may remarry on the basis of the testimony of one witness.

12. E.g., the second day of Festivals, despite the Torah's command "thou shalt not add thereto," and the fact that on these days men do not perform the *mitzvah* of *tefillin*, despite the Torah's obligation to do so.

intended here? The equation, surely, is between laws whose source is in the Torah and laws whose source is Rabbinic. By leaving the borrowed traditions without change, is the author of the Gemara claiming that on some level this equation can be taken literally? Such a claim would not be outrageous, but it also could not be taken for granted. By borrowing freely from the realm of the Torah to that of the Rabbis, the Gemara is reminding its readers that Rabbinic law, too, is “canonical.” Both realms share a place in the law of a “living God.”¹³

At the beginning of the Gemara in tractate *Shabbat* chapter 10 (96b), “carrying out [from one domain to another on Shabbat]” is described as a “principal category” of Shabbat work, whereas “carrying in” is termed a “subcategory.” In his critical commentary to this text, David Halivni¹⁴ points out that no named Amora, in the Babylonian or the Palestinian Talmud, can be demonstrated to have subscribed to this distinction. In fact, the only source that explicitly holds this view is the anonymous Gemara in the Babylonian Talmud. How is the distinction defended? Because, the Gemara explains, there is a scriptural source that is understood to speak of “carrying out” in connection with the work of building the Tabernacle, but no verse that speaks of “carrying in.” But this is a strange justification because, in general, work that was performed in the Tabernacle is considered to be a “principal category” of work prohibited on Shabbat regardless of whether it is actually mentioned in scripture. So why is “carrying” different, that it requires explicit scriptural mention as well? Because, *Tosafot* suggests, carrying is an “insignificant [act of] work,” and it therefore requires more before it (or any of its various forms) can be considered a “principal category.” The Amoraim, who failed to make this distinction, apparently felt that “carrying out” and “carrying in” were the identical act; “out” and “in” merely depends upon where you are standing. The anonymous Gemara, on the other hand, was bothered enough by the fact that carrying is so minor an act that it was led to require more of it than of other, more significant, categories of work.

Again, as was the case with the text examined by Friedman, the anonymous Gemara can be seen to have taken a new approach to the tradition. What is particularly interesting about this latter case is the fact that, as for

13. The Rabbis' assertion of their power, even to this “radical” extent, was essential to the survival of Rabbinic Judaism. In Palestine, where the Rabbinic movement was born in the first and second centuries, there were many other groups of Jews who made similar claims to religious and political leadership. In Babylonia, Rabbinic Judaism imposed itself upon a Jewish community that already had an independent history of over 500 years. In neither case could the success, let alone the ascendancy, of Rabbinic Judaism, be taken for granted. Even at the time when the anonymous Gemara was composed (and later) the Rabbinic interpretation and implementation of scripture was subject to the attacks of frequent rivals and, so, defensive claims of the sort that we see here were always relevant. The fact that it is made less explicitly than such claims had been earlier may reflect the relative confidence of Rabbinic Judaism at this later stage of its ascent to power in the Jewish world as a whole.

14. *Mekorot u'mesorot*, *Shabbat*, pp. 267-272.

many of us, it was difficult for the anonymous Gemara to conceive of “carrying” as work in the same fashion as “lighting fire” or “planting.” But why was this the case?¹⁵ The following suggestion might be made. For the Gemara, the “domains” that were relevant for the labor of “carrying” were one of the ways in which space could be defined.¹⁶ (The other metaphors for space were *Sukkah*, which defined three-dimensional space and, in a similar way, *Ohalot*, the space that was rendered impure by a dead human body.¹⁷) The Palestinian texts, that is, the Mishnah and the Palestinian Talmud, never questioned the viability of this definition of space because, for them, holy space and its gradations were an everyday concern. The space of the Land of Israel was different from the space of “outside the land”; the space of Jerusalem was different from the space of the rest of the land; the space of the Temple was different from the space of the rest of Jerusalem; and so forth.¹⁸ But the anonymous Gemara, the Talmudic text that was most separated, both in terms of distance and time, from the holy space of the Temple and the land, is no longer fully at ease with the definitions of space defined by the Tabernacle (or, so according to tradition). It is with regard to these definitions that we hear a quiet word of protest here, and it may be the experience of alienation from holy space (again, much like our own), that provoked this protest.

These are but two specific examples that illustrate a trend concerning which a great many general observations may be made. For example, by considering the chronological development of the text we see that, though in the earliest Amoraic generations halakhah was the almost exclusive concern of the Amoraic sages, in later generations interpretation for its own sake also became prevalent, and by the time we reach the non-attributed level of the text we find that halakhah often takes a back seat to theoretical speculation even when it might contradict the law. The best example of this phenomenon is also the most commonly known, that is, the Gemara’s extensive attentions to the opinions of the School of Shammai despite the fact that these opinions had long before been rejected as irrelevant for purposes of halakhah.¹⁹ The willingness to address these “irrelevant” opinions was so pronounced at this level of the Gemara that it was even willing to consider the possibility that the sages of the School of Shammai were “sharper” than those of the School of Hillel (*Yevamot* 14a). Halakhah notwithstanding, theoretical speculation in the law had acquired a status that was perhaps without competition.

How could study that intentionally ignored the halakhah be justified? Because — the theory goes — study of the word of God, even when

15. Again, this question and proposed answer are mine.

16. See e.g. *Eruvin* 92a-b.

17. See e.g. B.T. *Sukkah* 20b-21b.

18. See Mishnah *Kelim* 1:6.

19. See Halivni, *Midrash, Mishnah, and Gemara*, (Cambridge: Harvard U. Press, 1986), pp. 76-77.

not relevant for practical law, is always praiseworthy. In the words of David Halivni:

To the [authors of the anonymous Gemara], theoretical learning was a main mode of worship, worth pursuing even if it does not lead to practical decision making . . . the rejected view [in terms of practical halakhah] was not false; it is no less justifiable than the view that is being accepted . . . religiously, even the rejected view was acceptable.²⁰

It is study as a religious act that becomes crucial at this point; for this reason theoretical speculation had to be released from its practical moorings. Torah study was an act at least equivalent to prayer.²¹ In contrast, practical application was often too mundane.

It is only the historical, developmental analysis of modern scholarship that has revealed for the first time this remarkable model of religious inspiration — one in which pursuit of the word of God, as recorded in Torah, is so central — so *pure* — that Torah study takes on a life of its own. And it is precisely this model that is so crucial for understanding modern “critical” study of the Talmud (or of other traditional Jewish texts²²) as a religious act. For, in the end, both traditional learning and modern learning are devoted to discovering the meaning of the word of God. The difference lies in the methods and questions employed to discover that meaning, and the assumptions that inform the answers that might be suggested. In the traditional approach, though study *is* understood (very seriously so) to be a *mizvah*, still, the assumption is that the literature is generally concerned with the halakhah, and answers that do not serve this end are often deemed unacceptable.²³ The modern approach frees itself from this restriction, and finds support for doing so in the text of “*the Gemara*” itself. Study of this nature may also be the worship of God, and its pursuit is no less a devotion to discovering the divine plan than is traditional study. But modern study assumes that this discovery can only be understood by examining that divine plan as it unfolded in full partnership with human beings. In such partnerships, I would contend, we can find immense inspiration.

20. *Ibid.*, p. 77.

21. See *Berakhot* 5a, where prayer and Talmud Torah are equated as the two acts which connect a Jew most intimately with God. For that reason, suffering that led to the inability to do either could not be considered “suffering of [God’s] love.” See also Mishnah *Shabbat* 1:2, B.T. *Shabbat* 11a, and P.T. *Berakhot* 1:2 (1:5, 3b), where one who is involved in Torah study is exempted from prayer. This would of course suggest that study is even more praiseworthy than prayer.

22. See Halivni’s demonstration of how the thesis of study exemplified by the anonymous Gemara influenced the study of Bible as well (*Op. cit.*, chapter 7).

23. By “traditional” here, I mean study in the Yeshiva. Medieval commentators were often willing to offer solutions that were not in accord with the halakhah.

The Shifting Role of Women, From the Bible to Talmud

THEODORE FRIEDMAN

IN THE HISTORY OF JUDAISM, THERE IS NO sharper contrast than that which obtains between the social role of women in the Biblical era and their virtual exclusion from social life in the Talmudic period. In the former, we find women actively participating in every aspect of social life — political, economic and religious. In the Talmudic era, they disappear from public view. The contrast, as will be presently indicated, goes beyond participation in social life. Between Bible and Talmud there is a radical shift; really, a *volte face* in the male estimate of the female gender. This writer sees the latter as a corollary of the phenomenon alluded to above.

This striking contrast which we shall proceed to flesh out raises an inevitable question. How is one to explain the transformation? An hypothesis based on what we consider to be hard evidence will be proposed. But first, a conspectus of the social role of women in the Biblical and the Talmudic periods.¹

Women participated in the great religious assemblies. Deuteronomy (29:10) specifically mentions the presence of women on the occasion of Israel's entering into a covenant with God in the time of Moses. Similarly, women are mentioned as present at Mt. Ebal when Joshua reads out the Torah to Israel (Josh. 8:35). The fulfillment of the commandment to hold a public reading of the Torah every seventh year on the Festival of Sukkot requires the attendance of women (Deut. 31:14). Women accompanied their husbands when the latter went on a pilgrimage to the Sanctuary. It was apparently customary for women to pray in the Sanctuary on such occasions (1 Sam. 1:12). When David brought the ark up to Jerusalem in joyous procession, women participated in the singing and dancing alongside the men (2 Sam. 6:19, 22). Women went to consult the Prophet on Sabbaths and Festivals (2 K. 4:23), and we read of women going out to greet victorious warriors with songs of praise on the latter's returning home from war (1 Sam. 18:7).

Then, of course, there are the women in the Bible who are denominated prophetesses — Miriam, Deborah and Huldah. It is noteworthy that when a scroll of the Torah was found in the Temple in the days of King Josiah, he sent a delegation to consult a prophet on the meaning of

1. As will be noted, we deliberately omit a consideration of the legal status of women. In this area, there is an obvious continuity between the Biblical and the Talmudic era.

THEODORE FRIEDMAN is a retired Conservative rabbi now living in Israel. He was formerly managing editor of JUDAISM.

the find. The delegation consulted the prophetess Huldah, not Jeremiah her contemporary. The Biblical text offers no explanation for the choice.²

In the Biblical period, women participated freely in such social events as marriages and funerals. At the former, they sang and danced (Song of Songs 2:7, 3:10), while, on the latter occasions, the keening women chanted dirges which they had composed (Jer. 9:17, 2CH 35:25).³ From the Psalmist's description (68:26) it is patent that women, together with men, played musical instruments in public processions.

But it was not alone on public occasions that women had a prominent role; we find them engaged in what today would be called diplomatic missions. There is, for example, the reference to the "wise woman" of Tekoah who is sent to David by Joab in order to persuade the king to lift the ban that he had placed on Absalom (2 Sam. 14). It is a clever woman who, by her speech and bold act, saves her city from the threat of destruction by Joab and his troops (2 Sam. 20:15-22). Among these women, wise and persuasive of speech, one must number Abigail who saves her husband's life by her appeal to David (1 Sam. 25; 26, 30). It is to be noted that in all three speeches by the women just mentioned, there are distinctly poetic lines, which may have been composed by the women themselves.

In the economic arena, chapter 31 of the Book of Proverbs ("Woman of Valor") offers a picture of a woman engaged in commerce, including the purchase of real estate (31: 24, 16; see also Ruth 4:2 where Naomi is described as about to sell a piece of land).

The above, admittedly incomplete, review of the Biblical woman's role in social life should suffice to establish the proposition that, aside from serving as priestess in the Temple, a role from which she was debarred for obvious reasons, there was no sphere in public life in which a woman's participation was not an everyday occurrence.

A concomitant of the fact, and undoubtedly correlated with it, is the high regard in which women are held. An intelligent wife is regarded as a gift from God (Prov. 19:14). A Biblical writer could hardly have God tell Abraham "All that Sarah says, harken to her voice" (Gen. 21:12) unless he held women generally in high esteem. The Proverbist declares that he who has found a wife has found genuine good (Prov. 18:22). The only misogynist in the entire Bible is Koheleth, with his sour report that "I find woman more bitter than death; she is all traps, her hands are fetters and her heart is snares" (Koh. 7:26). He goes on to say: "I found only one real

2. It did, however, puzzle the Sages, who suggest several answers why the delegation consulted Huldah rather than Jeremiah (*Megillah* 14b). That the question should have arisen in their minds is, in itself, a reflection of the altered position of women in the Talmudic age.

3. This role was carried over intact from the Biblical to the Talmudic age (*Moed Katan* 28b). It is probably to be explained by the fact that rituals associated with death and mourning tend to retain their archaic character.

human being in a thousand, the one I found among so many was never a woman" (Ibid. 7:28). Koheleth's misogynic view of women is readily explained by the consensus of Biblical scholars that the book is to be dated somewhere in the Hellenistic period and that it clearly betrays strong Greek influence. But more on the influence of Hellenistic thinking and practice below.

We now begin our brief survey of the role of women in social life in the Talmudic age, or, more precisely, the lack of such role with their segregation on religious occasions and situations. The following Mishnah (*Sukkah* 5:2) obviously predates the destruction of the Second Temple, but by how much is difficult to say. Since it presupposes the Pharisaic practice of pouring water on the altar during Sukkot (*simhat bet ha-shoevah*), it may well be dated as coeval with the acceptance of this practice as against its rejection by the Sadducees, probably fairly close to the beginning of the first century BCE. In any event, the Mishnah clearly indicates a change in the hitherto prevailing practice in regard to the segregation of women on religious occasions. The Mishnah reads: "On the outgoing of the first day of the Festival (Sukkot) they went down to the courtyard of the women and made a great improvement." A Tanna (*Sukkah* 51b) explains that, originally, the women's compartment was open and they enclosed it with a partition for the women to sit above and the men below. A *Baraita* (Ibid.) adds that, originally, women stood within the Court of the Women (*Ezrat Nashim*) and the men stood just outside it. That arrangement, however, still proved ineffective against levity between the sexes, whereupon they changed it so that the women would sit above and the men below.

It is highly doubtful, however, that the provision of a Women's Court in the Herodian Temple was originally motivated by a desire to segregate them. Actually, various events took place there that involved both men and women.⁴ In any case, such a special area for women goes unmentioned in the elaborate description of the Solomonic Temple (IK. 7) and one may safely assume that no such specifically designated area existed and that the sexes mixed freely.

But, in the Talmudic age, visiting the Temple was one of the infrequent occasions that brought a woman out beyond the confines of her home. Respectable women were expected to remain inside. In Talmudic parlance, a prostitute is termed "a woman who goes abroad."⁵ The Talmud interprets the verse "All glorious is the King's daughter within the palace"⁶ (Ps. 45:14)⁷ to mean that the honor of a woman requires her to remain at home. Needless to say, the interpretation reflects the contemporary social reality more than it does the simple meaning of the verse.

4. See Louis Epstein, *Sex Customs in Judaism* (Hebrew edition, Tel Aviv, 1959), p. 74.

5. Mishnah *Kelim* 28:9.

6. *Yevamot* 77a; *Gittin* 12a and elsewhere.

7. The meaning of the verse and, hence, its translation, are mooted.

That a woman normally remained at home is evidenced by the following passage in the Midrash: "It is the way of a woman to stay at home and it is the way of a man to go out into the marketplace."⁸ In similar vein, another Midrash declares that a woman who keeps to her home is worthy of marrying a High Priest.⁹ There is at least one instance on record in which someone would actually lock up his wife indoors. Thus, R. Meir, a second century Tanna, reports that "this corresponds to the practice of Papus Ben Yehudah who, when he would leave his home, used to lock his wife indoors."¹⁰ Further on this score, the Midrash asserts that a woman who does appear beyond the precincts of her home is bound, in the end, to succumb to temptation. Therefore, a man keeps his wife at home.¹¹

The sources indicate that shopping was done either by the husband¹² or by a servant.¹³ The exception to the general practice was the instance where the woman went out to purchase the material out of which she would make her own clothes at home.¹⁴ Nor was this the only occasion on which a woman's leaving her home was regarded as legitimate. Economic necessity compelled poor women to become the bread-winners of their families and to carry on petty trade in the marketplace.¹⁵ However, a woman who was entitled to eat of the priest's due (*Terumah*) was not permitted to go out into the field to receive it.¹⁶ Contrast this with the biblical story of Ruth in the field of Boaz. It was, likewise, no less regarded as legitimate for a woman to go to the House of Study to listen to a sermon¹⁷ or to pray.¹⁸ Similarly, it was deemed a basic right of a woman to visit her relatives, a house of mourning or to attend a wedding feast.¹⁹ But all of these occasions were the exceptions to the general rule and practice that, in effect, led women to live out their lives within the confines of the home.

A woman's appearance before a court, a public place where she would come in contact with men, was regarded as an affront to her womanly dignity. Hence, the Talmud concludes that "A man does not want his wife to be subjected to the indignity of appearing in court."²⁰ If some women did appear in public, a man was not to engage them in conversation even if one of them was his wife.²¹ A woman who did go abroad and

8. *Bereshith Rabbah* 18:1; cf. *Taanit* 23b.

9. *Tanhuma Vayishlah* 6.

10. *Gittin* 90a.

11. *Bereshith Rabbah* 8:11.

12. For one example out of many, see *Taanit* 20b and cf. *Vayikra Rabbah* 37:2.

13. *Vayikra Rabbah* 33:1; *Shabbat* 119a.

14. *Nedarim* 49b.

15. *Tosefta Ketuboth* 4:7.

16. *Tosefta Peah* 4:4.

17. *Vayikra Rabbah*

18. *Sotah* 22a.

19. *Mishnah Ketuboth* 7:5.

20. *Yevamoth* 42b; *Ketuboth* 76a.

21. *Berakhoth* 43b; cf. *M. Avot* 1:5.

spoke to men other than her relatives was regarded as bringing evil upon herself and her children.²² Samuel, a first generation Babylonian Amora, declares that it is improper under any circumstances for a man to inquire after someone's wife.²³ Aside from the merest handful of the names of the respective wives of various Sages, a woman is normally referred to in the Talmud, not by her personal name, but as "she of the household of Rabbi so and so."

We find the opinion, though there are others, that the essential function of a woman is to bear children.²⁴ The Tanna R. Hiyya had his problems with a maliciously spiteful wife, and when asked why he did not divorce her, replied: "It is enough for us that they rear our children and preserve us from sin."²⁵ At home, it was the man who acted as host for his male guests, never his wife.²⁶ The Talmudic ruling²⁷ that women recite the Grace after meals by themselves probably reflects the practice of having women dine by themselves.

As for their education, it was the rare female who had any knowledge of Torah.²⁸ The Sages took it for granted that women, being of limited intellectual capacity,²⁹ came to the House of Study merely to listen (but not to understand the discourse of the Sages).³⁰ And as for their participation in such public events as weddings and funerals, we have already taken note of their special role at funerals.³¹ The Talmud³² records the singing and dancing of men at weddings but makes no reference to women doing so. Perhaps the social situation of the woman in the Talmudic period can be best summed up in the words of a contemporary Sage, R. Dimmi — "Swathed like a mourner — a reference to the covering of her face and hair by a veil —; isolated from people and shut up in prison."³³

Virtually every one of the features of the picture that we have drawn of the seclusion of women in the Talmudic period finds its analogue in

22. *Tanna de Be Eliyahu* ch. 18.

23. *Kiddushin* 70b.

24. *Taanit* 23b. In the same passage, the notion is expressed that women were intended for beauty.

25. *Yevamoth* 63a.

26. *Kiddushin* 81b.

27. *Berakhoth* 45b.

28. Yalta, the wife of R. Nahman, who puts sharp queries to the Sages, is the sole exception that comes to mind, in addition to Beruriah, the wife of R. Meir.

29. "A woman's only wisdom is at the spindle" (*Yoma* 66b); "women are frivolous minded" (*Shabbat* 33b). The Sages do concede, however, that a woman has greater intuitive powers than a man (*Niddah* 45b).

30. "If men come to learn, women come merely to listen" (*Hagigah* 3a).

31. See footnote 3.

32. *Ketuboth* 14b.

33. *Eruvin* 100b.

ancient Athenian society in the post-Homeric age.³⁴ We begin with the fact that, even in small homes in Athens, special quarters were set aside for the women of the household. These were known as *gunaekion* (women's house) and are frequently referred to by the Greek dramatists.³⁵ They were located either in the rear of the house or on the upper storey. It was the practice to bolt the doors to them and the women of the household were expected to remain there. Someone could claim that his sisters and nieces had lived "with so much modesty that they were embarrassed to be seen by their male relatives."³⁶ A Greek public prosecutor of the fourth century BCE delivers himself of this bit of advice: "A woman who goes out of the house ought to be at a stage in life at which those who meet her do not ask whose wife but whose mother she is."³⁷ To quote but one Greek dramatist on the subject of woman's confinement to her home, we cite a line from Menander who has a man say to his wife: "You're overstepping, wife; a married woman's bounds are the street door of the peristyle."³⁸

Shopping was done by the husband or, if it was a large household, by a slave. The dramatist Theocritus has a wife make fun of her husband who, having been sent by her to do the shopping, returns with totally wrong items.³⁹ When a woman was obliged to do personal shopping, she was invariably accompanied by a slave.⁴⁰ Only women of the lower classes went shopping. In Athens, some of the latter, out of economic necessity worked as mid-wives, wet nurses or engaged in petty trade.⁴¹

If respectable women were expected to be little seen in public, even less were they to be heard. Here we have the testimony of both an historian and a dramatist, to cite but some of the evidence. Thucydides puts the following words in the mouth of Pericles in the latter's famous Funeral Oration.

Perhaps I should say a word or two on the duties of women to those of you who are now widowed. I can say all I have to say in a short word of advice. Your great glory is not to be inferior to what God has made you and the greatest glory of a woman is not to be talked about by men whether they are praising you or criticizing you.⁴²

34. Sparta offers a striking exception to the seclusion of women in Athenian society. Here, virtual equality between the sexes obtained. In this, as well as in its ideals and practices, Sparta was atypical.

35. For example, Aristophanes in his *The Themophorizusae*, line 414. There are at least two references in Talmudic literature to a part of the house that was set aside exclusively for women (*Tosefta Negaim* 6:3 and *Eruvin* 68a. See Rashi *ad loc.*, beg. *Panu Lee Maai*).

36. W.K. Lacey, *The Family in Classical Greece* (Ithaca, New York, 1969), p. 159.

37. *Ibid.*, p. 175.

38. Menander, Loeb Classical Library (New York, 1921), p. 491.

39. The passage from Theocritus is quoted in *Histoire Mondiale de la Femme*, ed. Pierre Grimal (Paris, 1965), Vol. I, p. 321.

40. *Ibid.*

41. Peter V. Jones, ed., *The World of Athens* (New York, 1984), p. 167.

42. *The Peloponnesian War* (Harmondsworth: Penguin Books, 1954), p. 122.

Indeed, it was the accepted practice in Athens never to refer to a woman by name but simply as the wife of so and so.⁴³ Rarely, if ever, did women speak in the presence of men.⁴⁴ On the reserve expected of women in the presence of men, we quote from a brilliant sociological analysis of the characters in the plays of Aristophanes:

Euripides . . . is the poet who is generally regarded as the champion of the emancipation of women. . . . Yet, it is frequently stressed in Euripides's tragedies that women ought to be silent, not argue with men, not speak first and not speak with strangers.⁴⁵

At home, the Athenian woman, in the presence of male guests, was neither seen nor heard. "When her husband entertained male guests, the only women present were those who had no reputation to lose, except a professional one."⁴⁶ Normally, the Athenian man did not dine with his wife, most especially when male guests were present.⁴⁷

It is a common assumption among classical Greek writers, challenged only by Aristophanes (*Lysistrata*) that women are naturally inferior to men. On that score, one can quote Plato and Aristotle. In his *Republic* (431c), Plato brackets "children, women and slaves." "There is no branch of human industry in which the female sex is not inferior to the male" (Ibid., 455c). In his utopian projection of the ideal state, he writes: "The woman is admissible to all pursuits as well as the man, although in all of them, the woman is weaker than the man" (Ibid., 455d). The Stagiritic speaks in similar vein. "A man would be considered a coward who was only as brave as a brave woman" (Politics 1277b). In the light of this stock assumption, Euripides advises women that "it is seemly that women who are wise will act through men in all things."⁴⁸

Accordingly, while a boy in Athens began his formal education at the age of seven, a girl did not go to school. Her training was limited to the domestic arts that were learned at home from older women. Here is how Xenophon describes that training. He says that someone's bride prior to her marriage had lived

under strict supervision in order that she might see as little as possible . . . but she also had a really good training in management of the food which seems to me to be the most important accomplishment to have.⁴⁹

The domestic arts aside, it may well be assumed that the average woman was illiterate. Euripides modelled the heroines of his tragedies on the image of the Athenian woman of his time (fifth century BCE). It is therefore revealing that, in his play, *Iphigenia in Tauris*, he describes Iphigenia as incapable of composing a letter.

43. H.D.F. Kitto, *The Greeks* (Harmondsworth: Penguin Books, 1951), p. 228.

44. Victor Ehrenberg, *The People of Aristophanes* (Oxford, 1951), p. 201.

45. Ibid., p. 202.

46. Kitto, p. 219.

47. Lacey, p. 159.

48. *The Suppliants*, Loeb Classical Library (Cambridge, Mass., 1943), lines 40, 41.

49. Lacey, p. 159.

But, then, for the Athenian, the essential function of his wife was to bear his children and to manage his household. Demosthenes epitomizes this attitude when he writes:

Heterae (a cross between an educated female companion and a prostitute) we keep for the sake of pleasure, concubines for the daily care of our persons, wives to bear us legitimate children and to be the guardians of our households.

(Incidentally, these heterai, like Aspasia, the famous mistress of Pericles, were woman of non-Athenian origin, which explains their education.)

Animadversions against women are among the staples of the classical Greek dramatists. Euripides was fascinated by women, but, on balance, he must be put down as a dyed-in-the-wool misogynist. In his *Medea* he puts the following words in the mouth of Jason: "Would that mortals otherwise could get their babes, that womankind were not, so no curse had lighted upon man."⁵⁰ Aristophanes lampoons Euripides in his play, *The Thesmophoriazusae*, subjecting him to the judgment of women whose kind he had berated in his plays. Leading off the charge, one of the women declares: "I don't believe there's a single fault he's not accused us of; calling us double dealers, false, faithless, tipling, mischief-making gossipers, a rotten set, a misery to men."⁵¹

Menander (fourth century BCE) is absolutely rabid on the subject. A score or more of acerbic passages on women could readily be quoted from his plays and fragments, but one or two will suffice. "For a woman is a necessarily evil but he who gets the most tolerable one is lucky."⁵² "Though many the wild beasts on land and sea, the beastliest one of all is woman."⁵³

One would search Rabbinic literature in vain for anything approaching such acidulous statements. Compared with the dominant strain of anti-feminism that runs through classical Greek literature, beginning with Hesiod, Rabbinic statements on the subject are sweetness and light. The Midrash that describes a woman as a tattler, gadabout, etc. is really a ribbing and hardly breathes the misogyny of the Greeks.⁵⁴ On the contrary, the Sages advise a man to be zealous in honoring his wife because it is through her that blessing is found in his home.⁵⁵ Such statements can readily be multiplied.

We began our essay with a query. How is one to explain the total reversal of the position of the woman in the Talmudic era from what it was in the biblical age? For answer, we take our cue from scholars who

50. *Medea*, Loeb Classical Library (New York, 1919), lines 573-575.

51. Aristophanes, *The Thesmophoriazusae*, Loeb Classical Library (Cambridge, Mass., 1972), p. 165.

52. Menander, Loeb Classical Library (New York, 1921), p. 481.

53. *Ibid.*, p. 447.

54. *Bereshith Rabbah* 8:2.

55. *Bava Mezia* 59b.

have pointed out the profound influence of Hellenistic culture on the thought and practices of Jewish Palestine in the centuries immediately preceding and following the Common Era. Notable, of course, among such scholars is the highly original work of the late Saul Lieberman. In one of his two books devoted to the subject of Hellenistic civilization in its impact upon Rabbinic thought and practice, he writes: "This comparative study will convince the student of the close contact between Jewish Palestine and the Hellenistic world in general"⁵⁶ Of the hundreds of Greek loan-words⁵⁷ in Rabbinic literature, Prof. Lieberman writes: "Almost every loan-word reflects a certain phase of the contact between Jew and Gentile."⁵⁸ Is it too much to suggest that, in view of the remarkable similarity, down to the smallest detail, between the position of women in Athens and in Talmudic Palestine, one is justified in assuming Greek influence? To be sure, given the sources at our disposal, there is no way of drawing direct lines of filiation. But, if true, then the discriminatory, secluded life of the Jewish woman in the Talmudic age was not a home-grown produce but, rather, a foreign import that, in retrospect, we of a later generation can well forego.

56. *Greek in Jewish Palestine* (New York, 1951), p. 6.

57. These have been assembled, annotated and classified by Samuel Krauss in his massive two-volume work, *Griechische und Lateinische Lehnwörter im Talmud, Midrash und Targum* (Berlin, 1898).

58. See note 56.

Lo Lanu

JUDAH GOLDIN

On Rosh Hashana and Yom Kippur
we bend the knee and bow the head
and get the appetite for genuflexion out of our system.
What is man without ceremony? A creature who worships
by prayer, as though words without gesture could satisfy
him or Him. Fasting is silent
prayer. So, on Atonement afternoon, the cantor
rehearses the ancient temple-rites to break
our heart and recollect how radiant once upon a time
was the high priest in linen and lustrations and exclusive
audience, no admission to others. And we kneel
when he calls out, "Now, let us kneel," and we respond
"Blessed be His glorious name forever."
We have no goats, but the scapegoat is not wanting.
That part of the promise He always keeps.

JUDAH GOLDIN is Emeritus Professor of Oriental Studies, University of Pennsylvania.

To Hear Deaf Jews

Review-Essay by ALAN HENKIN

The Deaf Jew in the Modern World. Eds., JEROME SCHEIN and LESTER WALDMAN. New York. KTAV, 1986. 96 + 28 pp., \$9.00.

BEING DEAF IN A HEARING WORLD IS VERY much like being Jewish in America. For one thing, virtually all American Jews and all deaf people are bilingual to some extent. Every Jew knows at least one or two Yiddish or Hebrew words or phrases, and a few American Jews are fluent in some Jewish language. Similarly, nearly all deaf people know some sign language as well as some English. For many deaf people American Sign Language (ASL or Ameslan) is their native tongue and English is acquired only later in life and with much difficulty. ASL is neither English represented bodily on the hands nor a disconnected jumble of gestures. Rather, thanks to the work of linguists such as William Stokoe, Edward Klima and Ursula Bellugi, it has come to be recognized as a true language with a standard vocabulary and a distinct grammatical structure.¹ Some American Jews are more comfortable in Yiddish and some in English; some deaf people prefer to express themselves in ASL and some in English.

Related to this feature of bilingualism is biculturalism. To some degree, virtually all American Jews, even the most sectarian, participate in American society. They drive on public roadways, use credit cards, and vote for public officeholders. Moreover, these Jews have assimilated some parts of American culture, e.g., our belief in the superiority of democracy over totalitarianism or our commitment to a modified free-enterprise economy. By the same token, even the most secularized American Jew knows at least an iota about the American Jewish community and our culture, e.g., our holidays, our foods, our support for Israel, though the unaffiliated Jew may not actively celebrate the holidays or identify with the community. Most American Jews fall somewhere between the extremes of isolationism and secularism, and we must spend a portion of our lives reconciling our biculturalism.

In like manner, deaf people must come to terms with the general community in which they live, because hearing people have shaped that community without much regard for them. Deaf people must deal with the general community's legal, political and religious institutions and, to

1. See William Stokoe, "Sign Language Structure," *Studies in Linguistics: Occasional Papers 8* (Buffalo: University of Buffalo Press, 1960); William Stokoe, D. Casterline, and C. Croneberg, *A Dictionary of American Sign Language on Linguistic Principles* (Washington, D.C.: Gallaudet College Press, 1965); and Edward Klima and Ursula Bellugi, *The Signs of Language* (Cambridge, MA: Harvard University Press, 1979).

ALAN HENKIN is Rabbi of Temple Beth Solomon of the Deaf, Arleta, CA.

some extent, they are socialized into hearing America. Frequently, however, general educational systems have victimized the deaf.

Deaf people also speak of a deaf community and a deaf culture. To understand the deaf experience one must think of deafness as the source of specific communal and cultural expressions, much as being Black gives rise to a Black community and a Black culture. Hearing people are mistaken when they conceive of deafness as a physical disability akin to blindness; the appropriate model is the condition of being Black or Hispanic. Social theorists now acknowledge the existence of a deaf community, sometimes capitalized as Deaf Community, and a deaf culture, sometimes capitalized as Deaf Culture. (Lower-case *deaf* denotes non-cultural and non-communal aspects of deafness such as the audiological condition of deafness, while upper case *Deaf* highlights the cultural and communal features to which deafness has historically given rise.) The clinical-pathological model of deafness has yielded to a new cultural model.

Like Jews, deaf people tend to congregate in large cities, and significant Deaf Communities are located in Washington, D.C., New York and Los Angeles. They have important goals, such as equality in employment, in political representation and in educational institutions. They support their own organizations: clubs, self-help agencies and churches and synagogues. Their language, ASL, is the glue that binds the community together and permits the evolution of Deaf Culture, which invests ASL with a measure of sacredness. ASL engenders its own peculiar forms of social interaction: the way one mouths while signing, the way one looks intently at one's partner's face during a conversation, and the distance one stands from one's partner are all controlled by the signer's use of ASL.²

To hearing people it may seem bizarre, but one can be deaf but not Deaf. That is, one can have a hearing impairment but not identity with the Deaf Community or its Culture. That is true of many oral deaf people and for many hearing people who have become deafened late in life. Furthermore, one can be hearing and Deaf. That is, a hearing person reared in the Deaf Community may use ASL like deaf people, adopt the mannerisms characteristic of deaf people, and identify with the condition and aspirations of the Deaf Community. That is the case for many hearing children of deaf parents who often devote their adult lives to teaching deaf people, interpreting for them, and advocating on their behalf.

* * *

No doubt, for as long as there have been Jews (or Hebrews) on earth, there have also been deaf ones. Certainly the Torah acknowledges their existence as does rabbinic literature. Their status obviously perplexed the

2. For more information on the cultural dimensions of deafness, consult Carol Padden, "The Deaf Community and the Culture of Deaf People," in Charolette Baker and Robbin Battison (eds.), *Sign Language and the Deaf Community* (Silver Spring, MD: National Association of the Deaf, 1980), pp. 89-103.

ancient rabbis who were unable to communicate with them and were unable to ascertain their mental competence. They therefore created a legal category called the *heresh*, and lumped the *heresh* together with the *shoteh* (mentally retarded, developmentally disabled, mentally ill?) and the *katan* (the minor). Without detailing the legal restrictions imposed upon the *heresh*,³ suffice it to say that his life was severely circumscribed. Interestingly, however, the Mishnah contains evidence of an early Jewish sign language. *Yevamot* 14:1 states, "Just as he (a *heresh*) marries her with signs (*remizot*), so may he put her away with signs (*remizot*)." The word *remizah* might mean merely "gestures," but if it means "signs," as I have translated it, this might point to the existence of an ancient Jewish sign language and a community that used it. Also, in the Babylonian Talmud (*Menahot* 64b-65a), Mordecai, who was believed to be a preeminent linguist, is portrayed as the first Jewish sign-language interpreter. Is it possible that this hints at a group of people who interpreted sign language?

For the most part, the Responsa literature of the Middle Ages continues the restrictions on the *heresh*, but, increasingly, qualifications and exemptions obtain, so that by the late nineteenth century a schism occurred over what exactly constituted a *heresh*. For example, Azriel Hildesheimer (1820-1899), the leader of the Orthodox German community from 1873 on, and Maharam Schick (1807-1879), his somewhat older Hungarian contemporary, disagreed over the status of Bernard Brill, a deaf student at the Institute for the Deaf Mute in Vienna. To support his contention that his students were intellectually capable, Rabbi Joel Deutsch, the head of the Institute, sent to Hildesheimer two articles written by Brill. Hildesheimer, who was a modernist, concurred with Deutsch about Brill's mental competence, and believed that he deserved to be considered a Jew with full legal responsibilities. Schick, on the other hand, opposed granting any standing in the adjudicating of Jewish law to secular innovations, such as special education for deaf children. He dismissed the seemingly competent deaf person as a *kof b'alma*, a trained monkey, without any significant role in halakhah.⁴

What led to the breakdown in the consensus on the *heresh*? The answer is clear: the advent of a specially designed educational program for deaf students. As far back as the mid-eighteenth century a Jew, Jacob Rodriques Pereire, was achieving astounding results in France "demutizing" his deaf students. Unfortunately, he kept his methods secret, and

3. For excellent English-language discussions of the legal status of the *heresh*, see Julius Greenstone, "Deaf and Dumb in Jewish Law," *The Jewish Encyclopedia* Vol. 4 (1907), pp. 479-480; and J. David Bleich, "The Status of the Deaf-Mute in Jewish Law," *The Jewish Law Annual*, Vol. II (1979): 187-194. (By the way, the phrases "deaf-mute" and "deaf and dumb" demean deaf people. As one of our Temple presidents told me, "I may be deaf and I may be dumb, but there's no necessary connection between my deafness and my dumbness.")

4. I am grateful to my friend, Rabbi David Ellenson, for this reference.

they died with him.⁵ The biggest breakthrough — because of its eventual impact upon deaf special education in America — occurred in 1755 when the French Catholic Abbé Charles Michel de l'Eppe founded his school. Through a signing system that he adapted from French deaf people themselves, the Abbe demonstrated convincingly that deaf people were capable of learning and functioning competently in a hearing world. In 1863, Baroness Lionel Nathan de Rothschild built a home for deaf Jews in Whitechapel, London.⁶ In a sermon preached on January 28th, 1864, Rabbi Nathan Adler, the Chief Rabbi of the British Empire, implored his listeners to found a school for deaf Jewish children, taking note of the Jewish institutions already in existence in Rotterdam and Amsterdam. In 1873, in Berlin-Weissensee, Markus Reich set up the Israelite Institute for the Deaf, whose students were later murdered by the Nazis under the Law for the Prevention of Congenitally Diseased Descendants.⁷

Thus, the success of these institutions at rehabilitating deaf Jews compelled the rabbis to refine their definition of the *heresh*. Was he restricted because of his deafness per se? If so, then once a *heresh*, always a *heresh*, because deafness knows no cure. Or was he restricted because of the mental incompetence engendered by the deafness? If so, then mental competence could be realized through the newly discovered techniques of special education. Thus, the debate within the European Orthodox rabbinate was a microcosm of the larger debate over the acceptance of European culture and its practices.⁸

Jews also had a hand in deaf special education here in America. David G. Seixas (1788-1865), a crockery manufacturer and inventor, became interested in it and, by 1820, had founded a "Deaf and Dumb School" in Philadelphia. In 1821, amid scandal, he was forced out of the directorship and, shortly thereafter, established the Philadelphia Asylum for the Deaf and Dumb. Because the Pennsylvania legislature decided to fund only the former school, Seixas' second one closed its doors in 1828.⁹ In 1869, Bernard Engelmann, a German Jew living in New York, opened a school for deaf students employing the oral emphasis which dominated in German schools at that time. The State of New York took over this school and renamed it the New York Institution for the Improved Instruction of Deaf Mutes.¹⁰ (Its name was once more changed to the Lexington Avenue School for the Deaf.)

5. Ruth Bender, *The Conquest of Deafness* (Danville: Interstate Printers and Publishers, 1981), pp. 65-67.

6. *Ibid.*, p. 183.

7. Horst Biesold, "Forgotten or Concealed? Deaf Nazi Victims Accuse" (Unpublished paper, University of Bremen, 1981), pp. 1-2.

8. Again I am indebted to Rabbi Ellenson for this insight.

9. Edwin Wolf II and Maxwell Whiteman, *The History of the Jews of Philadelphia from Colonial Times to the Age of Jackson* (Philadelphia: The Jewish Publication Society of America, 1957), pp. 331-337. (My thanks to Dr. Abraham Peck for bringing this reference to my attention.)

10. Bender, p. 142.

By the late nineteenth century in America, the Social Gospel movement arose among liberal Protestants to bring its understanding of the good news to the nation. High on their agenda was the human flotsam created by America's rapid transformation from a rural, agrarian society to an urban, industrialized one. The Social Gospellers displayed genuine concern for the laborer, the farmer, the criminal, the black, the alcoholic, the pauper, the prostitute and the disabled. For example, after the Social Gospel had entered its institutional phase in the early twentieth century, the Southern Sociological Congress included in its 1912 statement of purpose a plank which read: "The Southern Sociological Congress . . . stands for the proper care and treatment of defectives, the blind, the deaf, the insane, the epileptic and feeble-minded."¹¹ The Reform rabbinate, through its Central Conference of American Rabbis, shared Christian America's sympathy for deaf people and for the goals of the Social Gospel as a whole and, in 1907, in good Jewish fashion, set up a committee. David Philipson, the incoming CCAR president, was asked to take a suggestion to the Board of Governors of the Hebrew Union College to ordain deaf rabbis.¹² (However, a search of the Board's minute and of the HUC faculty minutes reveals no discussion on this matter.)¹³ In 1908, the CCAR's Committee on the Instruction of Blind, Deaf-Mutes, etc., first convened and, in 1909, the Committee again recommended that HUC design a curriculum leading to the ordination of deaf Jews.¹⁴ The ensuing discussion must have been heated. Finally, Kaufmann Kohler, the president of HUC, said — in words that deaf people have heard hundreds of times — "While we agree that it is highly desirable, I think it is, however, a petition which will not be readily granted by those who have to deal with the financial problems of the school."¹⁵ Beginning in 1910 the Committee turned its focus to imprisoned Jews. The deaf groups in New York and Philadelphia were lauded for "their fine work," but the its interests were clearly shifting, as was reflected in the fact that it changed its name to the Committee on Dependents, Defectives and Delinquents.¹⁶ By 1914, the chairman, Rabbi Joseph Kornfeld, could only passively comment that "The problem of the deaf, mute and blind has been frequently brought to the attention of this conference, and so far as I can learn is now being adequately handled."¹⁷ In 1917, the Committee voted to disband.¹⁸

In one sense Kornfeld was right, though one wonders if he really knew it. As deaf Jews began growing in numbers at the turn of the cen-

11. Quoted in Ronald White, Jr., and C. Howard Hopkins, *The Social Gospel, Religion and Reform in Changing America* (Philadelphia: Temple University Press, 1976), pp. 92-93.

12. CCAR Yearbook, Vol. 17 (1907), p. 124.

13. Dr. Abraham Peck, personal communication to the author, dated May 21st, 1984.

14. CCAR Yearbook, Vol. 19 (1909), p. 100.

15. *Ibid.*, p. 136.

16. CCAR Yearbook, Vol. 20 (1910), pp. 105-106.

17. CCAR Yearbook, Vol. 24 (1914), p. 102.

18. CCAR Yearbook, Vol. 27 (1917), p. 106.

tury, they began to congregate in large cities. For instance, in New York, the Hebrew Congregation of the Deaf (later, the Hebrew Association of the Deaf) was formed in 1907 with Marcus Kenner as its first president. In 1911, the Society for the Welfare of the Jewish Deaf (SWJD) came into being to provide professional services and religious instruction for deaf people. (Later its name was changed to the New York Society for the Deaf.) In 1917, it became a charter agency of the Federation for the Support of Jewish Philanthropies in New York City¹⁹ and from 1915 to 1925 it published a delightful if irregular magazine entitled *The Jewish Deaf*.

Other Jewish deaf groups sprang up in other cities: in Philadelphia (1907), Baltimore (1919), Brooklyn (1928), Cleveland (1935), Los Angeles (1947), and Chicago (1955).²⁰ By 1956, enough such organizations were in operation to warrant the creation of a nationwide umbrella organization, the National Congress of the Jewish Deaf (NCJD), whose first convention was held in New York City in July of that year. In 1960, Los Angeles and New York groups splintered into true synagogues: Temple Beth Solomon of the Deaf (Los Angeles) and Temple Beth Or of the Deaf (New York), both affiliates of the UAHC. In 1961, the Chicago group reorganized itself as Congregation Bene Shalom of the Deaf, also affiliated with the UAHC. At present, the NCJD has eighteen affiliates throughout North America.

Which brings us to the volume under review, *The Deaf Jew in the Modern World*. This anthology grew out of a conference sponsored by the New York Society for the Deaf in November, 1981, the year of the United Nations' International Year of Disabled Persons. The purpose of the book "is to educate, not to indoctrinate" (p. 5) the Jewish community about the nature of deafness and the status of deaf Jewry. The editors hope that through education and insight "people of goodwill can find and will adopt the right course for the future" (p. 11). One might quibble with this evangelical approach, but not with its motives or goals.

The rabbinate is well represented with essays by David Feldman, Shlomo Goren, Elyse Goldstein and Daniel Grossman. Feldman's contribution seeks to disentangle the *heresh* from his unhappy association with the *shoteh* and the *katan*. The Hebrew rhetoric of deafness, heavy with connotations of inferiority and intellectual insufficiency, presents a linguistic impediment to regarding deaf people as productive, educated, communicating human beings. Thus, Feldman proposes the use of less charged language such as *k'vad shmiah* (hard of hearing) as an alternative.

When the Second Conference of the World Organisation of the Jewish Deaf met in Jerusalem in August, 1982, the then Ashkenazic chief

19. Alexander Fleischman, "Religion, Jewish," *Encyclopedia of Deafness* (forthcoming), pp. 3-4.

20. Lynn Gottlieb, "The Jewish Deaf Community," in Michael Strassfeld and Sharon Strassfeld (eds.), *The Second Jewish Catalog* (Philadelphia: The Jewish Publication Society, 1976), pp. 154-156.

rabbi of Israel, Shlomo Goren, greeted the gathering. In his remarks he announced, "I am convinced that from a halachic point of view we can give the deaf virtually equal status to the hearing and speaking, except in cases requiring actual speech, when we must take into account that the sounds made by the deaf must be turned into speech" (pp. 27-28). Goren was not abolishing the category of the *heresh*; this is no *p'sak din* (legal ruling). Still, it is a notable admission from a leading Orthodox rabbi of the efficacy of modern special education.

Elyse Goldstein, who was the student rabbi at Temple Beth Or of the Deaf in 1981 and is the only rabbi certified as a sign-language interpreter, takes up the practical issues that confront pulpit rabbis. What do we do with the Rosh Hashanah commandment of *lishmo'a kol shofar* (to hear the sound of the shofar)?, with the usual translation of the *Shema* ("Hear, O Israel . . .")?, with songs and *zemirot*, chant and *trop*? Grossman, a Reconstructionist rabbi who has a hearing impairment himself, warns against deriving signs for Jewish words and concepts from English translations of the Hebrew. Instead, he encourages us to create new signs which are conceptually accurate for the Hebrew terms.

The better essays by lay people are those by Alexander Fleischman, Alan Hurwitz, and Jerome Schein. For many years Fleischman has served as the executive director of the National Congress of the Jewish Deaf, and his paper is filled with the passion one would expect from a man in his position.

The deaf Jews have inhabited a religious world barren of many of the aspects of religious practice that are so familiar to their hearing brethren — a private Jewish world, separated from the American Jewish community. It is indeed a tragedy (p. 41).

Likewise, Hurwitz, a past president of the National Association of the Deaf, laments the limited opportunities that deaf Jews have for practicing Judaism. He suggests several steps to integrate them into the hearing Jewish community: providing sign-language interpreters for religious services and community events; conducting sign-language classes at synagogues and community centers; educating rabbis and social workers about deaf people; and the purchase and use of telecommunications devices for the deaf (TDDs; see below) by Jewish organizations.

Schein is a professor of deaf rehabilitation at New York University and an expert in the demographics of the Deaf Community. Although his data are now more than twenty years old, he shows how, in the early 1960s, the Jewish Deaf Community of Washington, D.C., shared the same population patterns as the hearing Jewish community of that period. One longs to know if the demographic patterns of the Deaf Community continue to mirror those of the hearing Jewish world in such areas as intermarriage, affiliation and conversion into and out of Judaism.

In view of the dearth of English-language material on deaf Jews, *The Deaf Jew in the Modern World* is an invaluable resource for Jewish commu-

nity professionals. That is no left-handed compliment. For the intelligent reader who has had little contact with deaf Jews, this book supplies desperately needed information. Its contents are wide-ranging, and its authors represent a variety of perspectives on issues of deafness and Judaism. Its very appearance at this time may well herald a new era in the history of American deaf Jewry.

In reading the book, however, I found myself overwhelmed by its unremitting melancholy. *The Deaf Jew in the Modern World* is saturated with the same *Leidensgeschichte* that permeates much Jewish historiography. In part this tone is justified. Much of the deaf Jewish experience is fraught with isolation, deprivation and discrimination. Moreover, to us hearing people, deaf Jewish life does, indeed, look impoverished educationally, religiously and culturally. Yet, from my own experience, I can attest to the creativity, the contentment and, yes, the joy of deaf Jewish life. I cannot convey in words the playfulness of our young adults as they sign the *birkat hamazon* or the earnestness of our twelve-year-olds as they struggle to fingerspell the Hebrew of their *bar* and *bat mizvah* portions or the glee of our members as they improvise in sign language upon the megillah during Purim. Nor can I capture verbally the artistry of the 23rd Psalm in the hands of a graceful signer, or the wicked gleam in the eye of a Board member as he relieves the tedium of a Board meeting by signing an off-color joke, or the inspiration of “*Ani Ma’amin*” song-signed during Yizkor. To me, as a rabbi, the challenge of adapting forms of worship that are both true to the Hebrew liturgy and suited to the eloquence of sign language has proved immensely stimulating. Inclusion of this side of deaf Jewish life would have helped to balance the moroseness and humorlessness of *The Deaf Jew in the Modern World*.

Also, in this book there is no indication of the cutting edge at which deaf Jews now stand. They are crossing into a new period of integration and equality, and a new generation of young deaf Jewish adults is poised to assume leadership from the older one, many of whose members are victims of a morally bankrupt special education system that denied them their native sign language and ruthlessly force-fed them the wildly over-rated oral approach to deaf rehabilitation. Because of their lack of education, many of them also lack high self-esteem, good leadership skills and a sense of parity with hearing people.

By contrast, the younger generation has profited from education through Total Communication (TC) and mainstreamed classrooms. TC is an educational philosophy that advocates using every possible means to exchange information: speech, signs, lipreading, hearing aids, gestures and writing. In the late 1960s and early 1970s TC caught on throughout the deaf special education establishment, supplanting oralism in most educational institutions. In a way ASL, the Deaf Community and Deaf Culture have ridden on the coattails of TC to widespread acceptance insofar as TC served to legitimate signing as an effective means of com-

munication. To be sure, TC has its detractors who criticize it for being as destructive to Deaf Culture as oralism. Nevertheless, deaf adults in their twenties and thirties are the beneficiaries of TC, for they are more bilingual than their predecessors through education in both ASL and English.

In 1975, the Education for All Handicapped Children Act (Public Law 94-142) became law, mandating "the least restrictive" environment for the education of children with disabilities. Mainstreaming, i.e., placing deaf students in the same classrooms as hearing ones (with a sign-language interpreter) or in the same schools as hearing students, was quickly embraced by educational programs. Because of mainstreaming, the young generation of deaf adults has enjoyed frequent contact with hearing peers. (As in the case of TC, mainstreaming is not always a panacea; it assumes fluency in English, and deaf students sometimes face ostracism and ridicule from the hearing students.) For these reasons young deaf adults tend to be more bicultural, in addition to more bilingual, than the older generation. Many of them are college-educated, and insistent that the hearing Jewish community treat them as equals. If these young deaf adult Jews can be kept in the Jewish Deaf Community, they portend great things for deaf Jewry in America.

One more reason for my optimism about the Jewish Deaf Community (another factor ignored by *The Deaf Jew in the Modern World*) has to do with technological advancements. Deaf people talk on the telephone by means of teletypewriters (TTYs) or telecommunication devices for the deaf (TDDs). When I first arrived at Temple Beth Solomon of the Deaf in 1980, we were all banging away on TTYs that literally came from Western Union circa World War I. These were gigantic machines, the size of a synagogue lectern, and so noisy that we could never tell if the TTY was on or we were having another Southern California earthquake. Nowadays, the TDDs incorporate the latest microchip technology; they are much smaller than a briefcase, weigh under five pounds, and are fully portable. As the technology of these TDDs becomes more powerful, the price is coming down and a superb TDD can now be bought for under \$200. What is more, in some states the telephone companies are required by their regulatory agencies to distribute free TDDs to deaf people, giving them the same access to this public utility that hearing people have. Every Jewish organization can now afford a TDD and find office space for it. Were this to happen, deaf Jews could have the same electronic access to the Jewish community as hearing people — a prospect undreamt of until recently.

Hearing people take for granted how much of our culture is absorbed through television. Deaf people have been thwarted from exploiting that medium because of the audio portion, but the last five years or so have seen an explosion of closed-captioned programming and many home-videocassette suppliers are committed to it. This new technology has enormous potential for Jewish education.

A third technological innovation to watch is the cochlear implant, a

device that is surgically inserted to stimulate sound electrically. The Deaf Community views these cochlear implants with suspicion. To put it strongly, to many of them the cochlear implant is a way for hearing people to play Frankenstein on deaf people, denying them their self-worth and undermining Deaf Culture. (Imagine the reception in Watts of a machine that could turn all Blacks white!) Under the best of circumstances the usefulness of implants will remain limited. Nevertheless, for the few who can benefit from them, they may facilitate integration into the hearing world — for deaf Jews and non-Jews alike.

The excitement over the promise of technology and the exuberance for sign language, both absent from *The Deaf Jew in the Modern World*, are as integral to the Deaf Jewish experience as are exclusion and discrimination. And if technology has revolutionized the Deaf Community in just the past few years, what do the next twenty or thirty years hold? How will the Jewish community respond to this technology that empowers deaf Jews to enter the Jewish mainstream? Will deaf Jews take advantage of these opportunities to join the Jewish community? More problematic still, will successful efforts to include deaf Jews in the Jewish community sound the death knell for Jewish Deaf Culture?

People often ask me if a segregated synagogue for deaf Jews is truly desirable. Would it not be better if hearing synagogues, with all of their Jewish, human and financial resources, were to become completely accessible to deaf people so that all Jews could mingle freely and equally? In the past I have answered that in a redeemed world such a state of perfect integration would be preferable, but, until the Messiah comes to break down the fears that hearing Jews and deaf Jews harbor for each other, we will have to settle for segregation.

I am now coming around to the conviction that while the benefits of integration are self-evident, the cost, namely, the collapse of Jewish Deaf Culture, is too high. That the loss of this culture would be a tremendous disaster to deaf Jews is clear. Equally, however, the demise of the Jewish Deaf Community would diminish the richness and diversity of American Jewish life in general, for the institutional and cultural achievements of the Jewish Deaf Community in America are unprecedented.

Someday the hearing Jewish community will prize the vigor and integrity of the Jewish Deaf Community. In any event, only a paternalist or an ethnocentrist would claim that the direction of the Jewish Deaf Community should be decided by hearing people. True, we hearing Jews must work hard to reform our own communities to make room for deaf people. Let us also respect deaf Jews sincerely enough to allow them to preserve and to nurture their indigenous culture.

A Unique Jewish Community

Yemenite Jewry — Origins, Culture and Literature. By REUBEN AHRONI. Bloomington, Ind.: Indiana University Press, 1986.

Reviewed by LEV HAKAK

THE ESTABLISHMENT of the State of Israel and the ensuing massive influx of immigrants from, among others, many Arab countries and who brought with them a veritable treasure of different cultures, customs and folklores, spurred a great interest and subsequent research in the origins, history and literatures of these Jewish communities. Ahroni's book, which throws light on the historical, literary, cultural and religious spheres of Yemenite Jewry, ranging from its origins to the present day, is certainly a long overdue and significant addition to this growing body of literature.

In terms of population, the Yemenite Jewish community is a small one, particularly when compared to the Iraqi. Yet, despite its relative smallness, it exercised its own particular fascination. This Jewish community, which has been characterized by Saphir, who visited Yemen in 1859, as "the most authentic Jews in the world," displays unique characteristics, utterly different from all other Jewish communities, including those emanating from other Arab countries. Indeed, sociologists have long been baffled by the distinctive features and cultural traits of the Yemenite Jews, which defy their classification within the parameters of the existing Jewish groups.

The Yemenite Jews have thus far

produced from their midst scholars and writers who significantly enriched our knowledge of various aspects of their unique Jewish community. Prominent among them are Yehudah Ratzaby, Yosef Kafih, and Yosef Tobi, who dealt mainly with their history and literature; Mordechai Tabib, Yehudah Sulami, Yehudah Amir, and Shelomo Tiboni, whose novels or short stories provide significant glimpses and insights into various facets of the life and culture of the Yemenite Jews; Mahalal Haadani and Nissim Gamlieli, who contributed to our understanding of the folklore, folktales and traditions of their brethren. Indeed, the Jews of Yemen have fascinated non-Yemenite scholars, such as S.D. Goitein, who published numerous studies relating to this community, and writers such as Yaacov Fichman, Hayyim Hazaz and Yaacov Steinberg who portrayed Yemenite characters and life in poems and *belles lettres*.

Yet, despite the numerous studies published thus far on the Jews of Yemen, our knowledge of this community is still extremely scanty. Thus, for example, Maimonides' *Epistle to Yemen* (ca. 1172) is our only source for the internal affairs of the Jews of Yemen and their relationship with their Muslim rulers prior to the twelfth century. Indeed, the Yemenite field of research has been only partially furrowed by the scholarly plow.

Professor Ahroni's *Yemenite Jewry* is the first comprehensive single work relating to the origins, history, and literary creativity of this group. Although the author rightly disclaims an exhaustive treatment of these spheres, he nevertheless manages to provide a thorough treatment of salient facets relating to these and other areas. They

LEV HAKAK is associate professor of Hebrew language and literature, U. of California, Los Angeles.

include significant insights into the composite and variegated Muslim society of Yemen; the social structure of the Jews in Yemen within the fold of the rigidly stratified, caste-like Islamic fabric; the antiquity of Jewish settlements in Arabia, in general, and Yemen, in particular; the sixth century (C.E.) Jewish kingdom of Himyar and its culmination with the last Jewish King Dhu Nuwas; Yemenite Jewry during the early and medieval periods; Jewish creativity in Yemen during diverse periods; the impact of the Sabbatean movement on the Jews of Yemen; messianic movements and religious upheavals. The book ends with a short chapter — an “Epilogue” — which provides significant and intriguing insights into the trials and tribulations of the pioneering Yemenite immigrants to Erez Israel in their attempt to strike roots in the new environment. In 1882 — Ahroni relates — a group of more than 200 Yemenites came to Israel, fifteen years before the Zionist movement and the Zionist Congress. They believed that the messianic expectations would be fulfilled in that year. Unfortunately, they encountered a harsh and frustrating reality in Jerusalem where the pre-existing Ashkenazi and Sephardi communities were supported by their respective Jewish communities in the Diaspora. The Yemenite Jews, however, could not expect any financial support from their poor brethren at home and their traditional occupations were useless in the new land. These Yemenites dwelled in tents and booths and even in caves and crevices; they suffered from hunger, disease and alienation. Attempts were made then, and later on, by Ashkenazi Jews to exploit the Yemenites, who were more accustomed to physical work and made fewer demands upon life, and to use them as a labor force, thus redu-

cing them to the status of “hewers of wood and drawers of water.” This was, indeed, a sorrowful episode of mistreatment, replete with moral and ethical issues, the painful effects of which continue to reverberate to this day. The Yemenites, however, soon proved to be a “hard core which shattered the tooth of times” (Alterman). They managed not only to contribute to the building of the Land of Israel, but also to its various cultural and spiritual facets. Their centuries of remoteness from the mainstreams of Jewish culture in other parts of the Diaspora, remarks Ahroni, enabled them to preserve an age-old folklore which was outstanding for its originality and distinctive features. This was soon recognized and became an object of emulation and a source of inspiration for the newly developing Israeli culture. Thus, for example, Yemenite music and dance which are totally different from those of other Jewish communities, were extensively integrated into the Israeli music and dance. Moreover, the Jews of Yemen brought with them an archive of documents from lost or forgotten sources, a treasure of ancient spiritual works otherwise not known to Judaism. These include variants and lost passages from the Talmud, the *Midrash ha-Gadol*, and several traditions of the reading of Hebrew and Aramaic.

Credible records regarding the history of the Yemenite Jews, stresses Ahroni, are very scanty. Yet the author skillfully and meticulously makes exhaustive use of the relevant fragmentary and sparse material available in a wide spectrum of sources — biblical and post-biblical, Greek, Roman, Talmud, Midrash, Qur'an, Hadith, Genizah material, and other Judaic and Islamic sources, primary and secondary. The author's erudition and mastery of these and other sources, clearly

and abundantly displayed throughout the book, commands respect. One is impressed by the author's restraint in refraining from hasty conclusions based on fragmentary data; every shred of information is subjected to rigorous scrutiny. He scrupulously refers to variant points of view of other scholars, poses possibilities and alternatives and cautiously avoids the pitfalls of sweeping generalizations. Moreover, events and episodes relating to the Jews of Yemen are meticulously placed within their proper wider historical setting and social, cultural and conceptual context. Thus, for example, Zecharia al-Dahri's (ca.1516-ca.1581) life and literary creativity are discussed within the context of internal events in Yemen and the Ottoman empire, and his book, *Sefer ha-Musar*, within the framework of the Arabic *Maqama* ("rhymed prose"). Similarly, Shabazi's works, from which the author quotes extensively, are discussed against the background of his time and the literary and prosodical influence of the Hebrew Spanish school of verse.

Yemenite Jewry is a truly exceptional contribution to our under-

standing of the distinctive texture of the Jews of Yemen. It is well-balanced, instructive, richly documented, and refreshingly creative. It should be of special interest to a wide range of scholars, historians, theologians, folklorists, and ethnologists. The fact that the book is written in English (a pioneering endeavor in and of itself) makes a coherent picture of the Yemenite Jewry accessible to a wide range of scholars who do not read Hebrew.

The book ends with the following words:

Yemenite Jewry left us a legacy of spiritual heroism and passionate affirmation of the human spirit determined to overcome defeat and degradation. . . . Its literature captures the hopes and dreams of its people; it is also an extremely powerful and magnificent part of human literature as a whole.

One might wish that a translated and annotated selection of texts from the literary heritage of the Jews of Yemen had been appended to the book. It seems evident, however, that this is a meritorious project in its own right, an endeavor which, we hope, will be undertaken by Professor Ahroni.

How Jews Helped Shape America

Voices of Jacob, Hands of Esau: Jews in American Life and Thought. By STEPHEN J. WHITFIELD. Archon Books, 1984. 322 pp.

The Prophetic Minority: American Jewish Immigrant Radicals, 1880-1920. By GERALD SORIN. Bloomington, IN.: Indiana University Press, 1985. x + 211 pp.

ABRAHAM J. KARP is Professor of history and religious studies and Philip S. Bernstein professor of Jewish Studies at the University of Rochester.

Reviewed by ABRAHAM J. KARP

STEPHEN J. WHITFIELD's *Voices of Jacob, Hands of Esau* and Gerald Sorin's *The Prophetic Minority* are welcome additions to the rapidly growing bibliography of works on the Jewish experience in America. The former, a collection of thoughtful and highly readable essays, invites discussions on the themes presented, the assertions made and the questions raised. The latter, a tightly organized study of an important segment of that experience through the utili-

zation of primary source material — memoirs, letters, diaries — demands a critical evaluation of the sources used and the knowledge and skill brought to the enterprise.

Whitfield's volume is subdivided into four sections: "In the Shadow of Europe" deals primarily with the impact of the Holocaust on America's Jews, especially its intellectuals. "In the Light of America," touches on the legacy of radicalism and the persistence of liberalism in American Jewish life. Quite appropriately, the tone of "The Jew in Mass Culture," the third section, is lighter, more spritely, made lively by the language and the humor injected. Even puns, long maligned as "the lowest form of humor," are used to good effect by the author. How can one not enjoy, "In its focus on the social implications of the subject, this chapter is intended to manifest greater interest in what makes Sammy run than in what makes Saul Bellow" — and be informed as well! "The Jew as Southerner" opens to the reader a subject only now coming into its own, the rather successful integration of the Jews into an agrarian, populist, segregated and segregative society — one in which, at first blush, the Jews would be expected to remain eternal strangers.

Whitfield, a professor of American studies at Brandeis University, brings to his task informed understanding of the American Jewish experience and a thorough knowledge of American Jewish literature. His sharply focused (often epigrammatic) writing evokes thought and reaction. Why so little intellectual, theological response to the Holocaust?, the author asks. A reader responds: perhaps, dear author, because the traditional Jewish response to national calamity has been in practical rather than metaphysical terms. Living with the fear that the present generation of Jews might be the last, Jews

responded by fashioning institutions which would defeat such a possibility. The Holy Scriptures, the synagogue and its liturgy when the first Temple lay in ruins; the Talmud, Codes, Responsa to assure Jewish vitality and viability when neither a national shrine nor geographic proximity could provide unity and cohesion. Who is to say that the most appropriate response to the most recent national catastrophe was not the one that we have and are experiencing: the saved remnant becoming a saving remnant through the expenditure of its resources of human energies, financial resources, political influence? What more meaningful application of Messianic Redemption than the "here and now" messianism of state-building in the ancient homeland?

One is tempted to engage the author in a discussion of his insightful delineation of the Jewish purveyors of humor in America, the self-deprecation of these wildly popular court-jesters catering to the insatiable appetite of America for the grotesque and the titillating. Like their predecessors in the courts of European royalty and nobility, they know that they are *in* but not *of*; knowing also that they may go just so far and no further in both their self-flagellating humor and in their social status. But why go on, when every reader can, and ought, avail himself the pleasure of confrontation with the author's informed mind and creative pen.

Sorin's book is at the other end of the pole. Simple in style, precise in formulation, constructed to inform rather than to stimulate, his stated thesis is:

In the modern era Jews demonstrated a disproportionate affinity for radicalism Proletarianization was necessary but it was not sufficient to bring the Jews

to socialism. . . . Jewish culture, including religious values, was critical to the formation of radical consciousness.

The task that the author sets for himself is "to explore the *roots* (Sorin's emphasis) of Jewish radicalism in the American immigrant community from 1880 to 1920." The vehicle for exploration: "interviews, memoirs, diaries of 170 Jewish socialists . . . activists, but not necessarily leaders, in socialist unions or socialist politics in the broadest sense." Why other radicals, anarchists, for example, are excluded from this study, is neither explained nor justified. The description of the immigrants who were studied — "men and women had to have been born in the old country or had to have emigrated before they were six years old" (p. 169) — is, to put it mildly, puzzling. Nevertheless, the book is an important addition to the growing literature depicting and analyzing the Jewish immigrant experience in America. Student and reader alike are beholden to Professor Sorin for placing before them data which heretofore have been largely inaccessible and for recording and preserving memories of that experience which are informative and often illuminating.

Sorin rejects Arthur Liebman's assertion in his *Jews and the Left* that "there is little evidence to support the hypothesis that Judaism predisposes its adherents (or former adherents) toward a socialist political identification or support for socialism." He reaches the conclusion that "without the cultural dimension, without Jewish religious values, proletarianization and exploitation by themselves will not explain Jewish socialism." His volume abounds in quotations from primary sources which provide persuasive documentation for his thesis. The attempt at "collect-

ive biography" is successfully sustained and is a well-chosen vehicle for propelling the argument, for though there is sufficient difference in the lives of the men and women who comprise the "collective" to lend interest and authenticity, there emerges a picture of an underlying uniformity. They all share childhood experiences in a community rooted in a religious civilization professing and expressing allegiance to justice, compassion and charity. Their later rebellion against the society was due in large measure to their perception that the social order violated the religio-ethical principles which were professed to be the foundation stones of the *shtetl* civilization. Their rebellion against religion (the "opiate of the masses") resulted from a betrayal — as they perceived it — by an uncaring, hypocritical, rapacious "religious establishment" of the values that they had imbibed in their youth. Marxian rhetoric was the language of their rebellion against society and synagogue; the roots were imbedded in the Jewish heritage of communal concern and social justice.

The Prophetic Minority is a good book; one wishes it were better. Its virtues are too often marred by its shortcomings. In a work based almost entirely on autobiographies and memoirs, much greater care must be taken to evaluate the reliability of such sources as historic data. In this volume, dealing as it does with those who have rebelled against the world of which they were part in their youth, the caution must be even more rigorous. The memoirs, written or spoken, are not memories of experiences; they are more often a retelling of events and experiences reconstructed to explain their rebellion and to justify their radicalism.

At the end of the nineteenth century "significantly less than 5% of

the gainfully employed in the Pale held the position . . . rabbis, cantors and teachers of Hebrew and Talmud," yet 15.5% of the radicals studied by Sorin claimed that their fathers were in these professions. Should not the author who cited these figures raise a scholarly eyebrow about the authenticity of such claims, or at least note that those who would write a memoir would more likely come from a literate, cultured family. Time tends to hyperbolize immigrant memories; the lay scholar is remembered as a great rabbi, the sharp, struggling businessman as a small time "robber baron." This reader does raise an eyebrow at "It was at *heder* (which we are told he attended until he was eleven) that Wisotsky, after reading Kropotkin's *Mutual Aid* . . ." One wonders in what language this precocious 10-11 year old read this erudite tome? This *Wunderkind* also remembers that he "did not amount to too much as a child." What is one to make of I.E. Rontch's reminiscences, in an oral interview in 1980, that at age seven (seventy-three years earlier), having seen police beat up strikers, "that made me closer to the movement of the workers;" and that at eleven, against the wishes of his

"extremely Orthodox," poverty stricken parent, — he cut his *peyes*, put on a uniform and *went to gymnasium!* Sorin writes that Rontch "was named after a great rabbi, Itzak Rochonen," and that, in Chicago, "he published regularly under the by-line Itzak Rochonen, his rabbinical namesake." The "great rabbi" is never identified. Apparently the author and editor did not recognize that the faultily transcribed reference was to Rabbi Isaac (Yitzhak) Elhanan Spektor, rabbi of Kovno, the leading rabbinic personality in Eastern Europe until his death in 1896. What is one to make of the phrase *Yid achad* and its translation as Jewish Alliance in the memoir of Bernard Chasamow? (In its context, *yad ahas* an agreement, a joining of hands in unity, makes sense).

The Prophetic Minority would have been greatly strengthened by a more critical assessment of the credibility and reliability of the sources used and by the necessary compensations for the selective memories encountered in autobiographies and memoirs that are written for self-justification. Still, it is a welcome contribution to American Jewish historiography.

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BOOKS RECEIVED

January 1987 through March 1987

Listing of a book does not preclude its being reviewed in a subsequent issue of JUDAISM

American Jewish Life

Boxer, Tim. *The Jewish Celebrity Hall of Fame*. New York: Shapolsky Publishers, 1987. 335 pp., \$1.95 (paper).

Rieder, Jonathan. *Canarsie*. The Jews and Italians of Brooklyn Against Liberalism. Cambridge, Mass.: Harvard Univ. Press, 1987. viii + 290 pp., \$8.95 (paper).

Woocher, Jonathan S. *Sacred Survival*. The Civil Religion of American Jews. Bloomington, Ind.: Indiana Univ. Press, 1986. x + 244 pp., \$25.00.

Arabs and Jews

Lamb, David. *The Arabs. Journeys Beyond the Mirage*. New York: Random House, 1987. xviii + 333 pp., \$19.15.

Autobiography and Biography

Abramson, Ruth. *Benjamin. Journey of a Jew*. Columbus, Ohio: Alpha Publishing Co., 1987. xii + 142 pp., \$10.00 (paper).

Blake, Robert. *Disraeli*. New York: Carroll & Graf Publishers, Inc., 1987. xxiv + 819 pp., \$14.50 (paper).

Patai, Raphael. *Nahum Goldmann*. His Missions to the Gentiles. University, Ala.: Univ. of Alabama Press, 1987. vii + 315 pp., \$29.95.

Simon, Kate. *A Wider World*. Portraits in an Adolescence. New York: Harper & Row, 1987. 186 pp., \$6.95 (paper).

Teveth, Shabtai. *Ben Gurion*. The Burning Ground, 1886-1948. Boston: Houghton Mifflin Co., 1987. xix + 926 pp., \$35.00.

Zimmerman, Moshe. *Wilhelm Marr*. The Patriarch of Anti-Semitism. New York: Oxford Univ. Press, 1987. xii + 178 pp., \$19.95.

Bible

Hammer, Reuven, tr., *Sifre*. A Tannaitic Commentary on the Book of Deuteronomy. New Haven: Yale Univ. Press, 1987. xiv + 576 pp., \$45.00.

Church and State

Miller, Robert T. and Ronald B. Flowers. *Toward Benevolent Neutrality. Church, State and the Supreme Court* (3rd ed.). Waco, Tex.: Baylor Univ. Press, 1987. vii + 612 pp., \$36.00.

Education

Garber, Zev, ed. *Methodology in the Academic Teaching of Judaism*. Lanham, Md.: Univ. Press of America, Inc., 1987. xxiv + 284 pp., \$15.75 (paper).

European Jewry

Maurer, Trude. *Ostjuden in Deutschland 1918-1933*. Hamburg: Hans Christians Verlag, 1986. 972 pp., DM 88.

Family

Koonz, Claudia. *Mothers in the Fatherland*. Women, the Family and Nazi Politics. New York: St. Martin's Press, 1987. xxxv + 556 pp., \$25.00.

Festschriften

Sacks, Jonathan, ed. *Tradition and Transition*. Essays Presented to Chief Rabbi Sir Emmanuel Jakobowits to Celebrate 20 Years in Office. London: Jews College, 1987. lv (Hebrew) + 324 pp., 20 £.

Fiction

Easterman, Daniel. *The Seventh Sanctuary*. Garden City, N.Y.: Doubleday & Co., Inc. 1987. 445 pp., \$17.95.

Ozick, Cynthia. *The Messiah of Stockholm*. New York: Alfred A. Knopf, 1987. 144 pp., \$15.95.

Sunshine Linda. *The Memoirs of Bambi Goldbloom* (Or Growing Up in New Jersey). New York: Simon & Schuster, Inc., 1987. 224 pp., \$7.95 (paper).

Holocaust

Arad, Yitzhak. *Belzec, Sobibor, Treblinka*. The Operation Reinhard Death Camps. Bloomington, Ind.: Indiana Univ. Press, 1987. viii + 437 pp., \$29.95.

Goetzl-Leviathan, Sophie. *The War From Within*. Berkeley, Ca.: Judah L. Magnes Museum, 1987. xi + 89 pp., \$7.95 (paper).

Peukert, Detlev J.K. *Inside Nazi Germany*. Conformity, Opposition and Racism in Everyday Life. New Haven: Yale Univ. Press, 1987. 288 pp., \$25.00.

Sagi, Nana. *German Reparation*. A History of Negotiations. New York: St. Martin's Press, 1987. 256 pp.

Israel

Ben-Arieh, Yehoshua. *Jerusalem in the 19th Century*. Emergence of the New City. New York: St. Martin's Press, 1987. xiii + 509 pp., \$29.95.

Bernstein, Deborah. *The Struggle for Equality*. Urban Women Workers in Prestate Israeli Society. New York: Praeger, 1987. x + 209 pp., \$37.95.

Diamond, James S. *Homeland or Holy Land?* The "Canaanite" Critique of Israel. Bloomington, Ind.: Indiana Univ. Press, 1986. xiii + 182 pp., \$22.50.

Dan, Uri. *Blood Libel*. The Inside Story of General Ariel Sharon's History-Making Suit Against *Time* Magazine. New York: Simon & Schuster, 1987. 270 pp., \$18.95.

Elazar, Daniel J. *Israel. Building a New Society*. Bloomington, Ind.: Indiana Univ Press, 1986. xi + 287 pp., \$29.95.

Hoffman, Lawrence A., ed. *The Land of Israel. Jewish Perspectives*. Notre Dame, Ind.: Notre Dame Univ. Press, 1986. x + 338 pp., \$29.95.

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Lieberman, Leo and Arthur Beringause, eds. *Classics of Jewish Literature*. New York: Philosophical Library, 1987. 432 pp., \$24.95.

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Eisen, Arnold M. *Galut. Modern Jewish Reflections on Homelessness and Homecoming*. Bloomington, Ind.: Indiana Univ. Press, 1986. xx + 233 pp., \$27.50.

Judaism

Angel, Marc D. *The Rhythms of Jewish Living*. Brooklyn, N.Y.: Sepher-Hermon Press, Inc., 1987. viii + 199 pp., \$14.95.

Goldberg, Harvey E., ed. *Judaism Viewed From Within and From Without*. Anthropological Studies. Albany, N.Y.: SUNY Press, 1987. x + 352 pp.

Juvenile

Chaikin, Miriam. *Esther*. Philadelphia, Pa.: JPS, 1987. \$9.95.

_____. *Hinkl & Other Shlemiel Stories*. New York: Shapolsky Pub. Inc., 1987. 87 pp., \$6.95 (paper).

de Paola, Tomie. *Queen Esther. A Bible Story Book*. San Francisco: Harper & Row, 1987. \$5.95 (paper).

Law

Chigier, Moshe. *Husband and Wife in Israeli Law*. Jerusalem: The Harry Fischel Institute, 1987. 281 pp., \$17.50.

Law and Social Justice

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Literary Criticism

Aschkenasy, Nehama. *Eve's Journey. Feminine Images in Hebraic Literary Tradition*. Philadelphia: Univ. of Penn. Press, 1986. xv + 269 pp., \$29.95.

Lee, Grace Farrell. *From Exile to Redemption. The Fiction of Isaac Bashevis Singer*. Carbondale, Ill.: Southern Illinois Univ. Press, 1987. 129 pp., \$16.95.

Midrash

Jacobson, David C. *Modern Midrash. The Retelling of Traditional Jewish Narratives by Twentieth Century Hebrew Writers.* Albany, N.Y.: SUNY Press, 1987, xii + 220 pp.

Philosophy

Strauss, Leo. *Philosophy and Law. Essays Toward the Understanding of Maimonides and His Predecessors.* Philadelphia: JPS, 1987. xvi + 138 pp., \$24.95.

Religion

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